

# **EXHIBIT A**

**In the Matter of:**

*Allan Chiocca vs*

*Town of Rockland, et al.*

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*Casey Sherman*

*April 08, 2022*

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<p style="text-align: right;">Page 13</p> <p>1 communications should be returned or destroyed by 2 defendants' counsel. 3 Mr. Chiocca did not consent to the production 4 of any privileged or protected communications and does 5 not agree to waive privilege or any evidentiary 6 productions. Mr. Chiocca does not consent to 7 Mr. Sherman's testimony, to the extent that his 8 testimony would reveal attorney-client communications 9 or communications otherwise protected from discovery. 10 As Mr. Sherman said just a moment ago, he's 11 not represented today by counsel. Had he been, we 12 would be -- have been in discussions with that counsel 13 about protecting Mr. Chiocca's privileged 14 communications. 15 So, as it stands, we understand that defense 16 counsel is in possession of documents that we contend 17 are protected from the Federal Rules, and that they 18 are not able to introduce them or question Mr. Sherman 19 about them because of that privilege. 20 So, as we see and as I suggested yesterday, 21 there were two options: One is to suspend today's 22 deposition, which I understand will not be occurring, 23 with -- despite the privilege objections; or two, to 24 proceed with the understanding that I'm going to</p>	<p style="text-align: right;">Page 15</p> <p>1 So my suggestion -- and other counsel may 2 want to weigh in here, but after you do, I'd really 3 like to proceed. 4 MR. AMOS: Behalf of the Town, we have no 5 problem with the standing objection as to the 6 privilege. 7 MS. CIESLAK: On behalf of Ms. Hall's 8 defense, would there be any problem with Mr. Walz 9 identif -- like, when the document is introduced, just 10 saying "objection; privileged" and we can proceed, but 11 at least we know which documents he's going to claim 12 privilege to? 13 MR. WALZ: That -- so from my 14 perspective, that's up to, you know, Howard. If he's 15 -- wants me to object to those documents, fine. If -- 16 I don't exactly know what the difference would be with 17 objecting to those documents versus questions about 18 those documents that I would consider to be revealing 19 privileged communications, too. So I think it still 20 could be a little bit confusing, but... 21 MR. COOPER: Okay. 22 MS. CIESLAK: I just want to know today 23 which -- to the extent documents are introduced, as it 24 relates to the documents, which documents you're</p>
<p style="text-align: right;">Page 14</p> <p>1 object to documents that we believe are privileged or 2 questions about communications or those documents that 3 we believe are privileged or would require the -- 4 Mr. Sherman to reveal privileged communications. 5 Rather than objecting to every question or 6 document that we believe would reveal privileged 7 information, I would ask whether the parties would 8 agree that objections -- either I'm going to object 9 and say "objection; privileged" or that there will be 10 a standing objection that would cover any question 11 that is asked or any document that is int -- that is 12 presented to Mr. Sherman today, which, at a later 13 date, we could address with Judge Young if we believe 14 that there is a privilege concern that remains. 15 MR. COOPER: Well, on behalf of 16 Mr. Kimball, you can certainly have a standing 17 objection so that we don't clutter the record and we 18 get this done for Mr. Sherman's benefit, if nothing 19 else, as quickly as possible. Obviously, my client 20 and I completely disagree that there is any objection. 21 And I would just note very briefly that the request 22 for documents to Mr. Sherman has been outstanding 23 pursuant to a subpoena for months, and no action was 24 taken at all.</p>	<p style="text-align: right;">Page 16</p> <p>1 claiming privilege to so we have a record of that. As 2 it relates to the questions, I don't mind the standing 3 objection on the questions, but I don't want to get 4 out of this deposition and you claim all the documents 5 are privileged because of your standing objection. 6 MR. COOPER: Eric, why don't you just say 7 "objection; privileged" to the documents that are of 8 concern to you. 9 MR. WALZ: Okay. So if -- I just want to 10 make sure that the record is clear. So I will object 11 -- I will say "objection; privilege" when we believe 12 that a document that is introduced is covered by the 13 attorney-client privilege and should not have been 14 produced. As to questions that Mr. -- that any 15 counsel asks today about communications with 16 Mr. Sherman between Mr. Chiocca or Rudolph Friedmann 17 or other counsel for him, those communications, there 18 will be a standing objection as to those -- 19 MR. COOPER: Yes. 20 MR. WALZ: -- questions. 21 MR. COOPER: Does anyone contest that? 22 MS. ZUCKER: I have -- I think that that 23 is fine as a way of proceeding. 24 I do want to just put on the record that</p>

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<p style="text-align: right;">Page 17</p> <p>1 there was a motion to quash this deposition, and that 2 motion was denied. And I don't want our good witness, 3 who is spending time away from his family, to 4 misunderstand that the Court has ordered this 5 deposition, and it's ordered it to go forward and it 6 hasn't put limitations on the questions, despite 7 Mr. Chiocca's counsel's efforts for them to quash the 8 thing entirely and despite the assertions of privilege 9 that were made in your motion. 10 And so I -- I find this a little bit unsavory 11 because we've done -- we've been around this Mulberry 12 bush, and these are decided issues in this case. The 13 result will be no different next time. And so I -- I 14 think we should proceed, but I don't want Mr. Regan or 15 Mr. Sherman to misunderstand the status at play, which 16 is that these issues were fully vetted from the Court, 17 not once but twice, also in terms of Mr. Shafran's 18 deposition and the documents requested from him. And 19 the Court looked at it, looked at the relationships, 20 looked at the arguments vigorously made, and made a 21 decision. So the case is clear on this and -- and I'd 22 like us just to proceed. Thanks. 23 MR. WALZ: Okay. Thank you, everybody. 24</p>	<p style="text-align: right;">Page 19</p> <p>1 you. 2 A. (Deponent nods head.) 3 Q. Secondly is, Laurie Berg, the reporter, 4 mentioned before we went on the record, it's very 5 difficult for her to take things down if you and I are 6 talking at the same time. It's natural, just in the 7 normal back-and-forth between people, to inadvertently 8 interrupt each other. I don't mean anything by it. 9 But let's just try to do our best to wait to until 10 each one of us is finished before we go on. 11 A. Certainly. 12 Q. And then, lastly, while I try, sometimes my 13 questions are not comprehensible for one reason or 14 other. So if you don't understand something, I invite 15 you to let me know and I'll try to rephrase it, 16 otherwise, I'm going to assume that you've understood 17 what I asked. Okay? 18 A. Okay. 19 Q. Mr. Sherman, could you tell us, please, just 20 briefly, your educational background? And let's take 21 it post-high school. 22 A. Okay. Graduated from Boston University 23 in 1993 with a degree in journalism. 24 Q. And after graduating from Boston University</p>
<p style="text-align: right;">Page 18</p> <p>1 BY MR. COOPER: 2 Q. Good morning, again, Mr. Sherman. 3 A. Good morning. 4 Q. Would you just tell the jury, please, your 5 full name and where you live? 6 A. Paul Casey Sherman. I live in Marshfield, 7 Massachusetts. 8 Q. And, Mr. Sherman, are you willing to state 9 your street address, in case we need to subpoena you 10 for trial? 11 A. Sure. 3 Proprietors Drive, Unit 7, 12 Marshfield, Mass., 02050. 13 Q. Thank you. 14 Have you ever had your deposition taken 15 before? 16 A. No. 17 Q. So let me just give you some very neutral, 18 basic ground rules. First, if you need a break, this 19 is not meant to be an inquisition, you tell us and 20 we'll take a break. 21 A. Okay. 22 Q. Generally speaking, if there's a question 23 pending, I may ask you to answer it before we take a 24 break, but other than that, we want to accommodate</p>	<p style="text-align: right;">Page 20</p> <p>1 with a degree in journalism, did you have any other 2 formal education? 3 A. No. 4 Q. And, by that, I take it you must have gone to 5 work? 6 A. I did, yes. 7 Q. Tell us, please, your post-college 8 professional background. 9 A. I've spent 25 years as a professional 10 journalist in Boston and for national publications, 11 and I also work as the Director of Crisis 12 Communications as an SVP for Regan Communications 13 located in Boston. 14 Q. Before we get to your association with Regan 15 Communications, could you tell us, please, some of the 16 media outlets that you've worked with, since you 17 graduated from college? 18 A. Sure. From 1995 to 2007, I worked at CBS 19 Boston, WBZ television, as a news producer for the six 20 o'clock news. I also write and am a contributing 21 writer for Boston Magazine. I had a weekly featured 22 column for the Boston Herald. I've written pieces for 23 Time Magazine, Esquire, the Washington Post, 24 et cetera.</p>

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<p style="text-align: right;">Page 21</p> <p>1 Q. And when you say that you've "written pieces 2 for," does that mean you were freelancing and you 3 submitted material?</p> <p>4 A. Yeah. Howard, I've also written 15 books and 5 am pretty well-known in that space, so my background 6 is really crime writing and working as a investigative 7 journalist. So, oftentimes, I've been asked to write 8 op-eds based on some of the investigations that I've 9 been involved in.</p> <p>10 Q. And the crime writing that you do, is it 11 fiction or nonfiction?</p> <p>12 A. Nonfiction.</p> <p>13 Q. And do you have a -- a business name that you 14 use or -- or an entity that you use to do that work?</p> <p>15 A. No. It's just a sole proprietor, Casey 16 Sherman.</p> <p>17 Q. And are you currently working on another 18 crime-related book?</p> <p>19 A. I am.</p> <p>20 Q. Anything to do with this case?</p> <p>21 A. Not at all.</p> <p>22 Q. Now, Mr. Sherman, you mentioned that you also 23 had been employed, post-college, at Regan 24 Communications.</p>	<p style="text-align: right;">Page 23</p> <p>1 to crisis.</p> <p>2 Q. Before I go on, could you tell us, please, 3 what e-mail addresses you used beginning in January 1, 4 2018, through the present for business-related 5 matters?</p> <p>6 A. E-mail would be the Regan e-mail, which is 7 csherman@regancomm.com, and my personal e-mail, which 8 is pkcsherman@gmail.com.</p> <p>9 Q. And is there any rule of thumb as to which of 10 those e-mails you would use in connection with a 11 particular matter?</p> <p>12 A. No.</p> <p>13 Q. Did you use both of those e-mail addresses in 14 connection with your work for the Rudolph Friedmann 15 firm?</p> <p>16 A. Yes.</p> <p>17 Q. In producing documents to us, did you search 18 both of those e-mail addresses?</p> <p>19 A. I did.</p> <p>20 Q. Could you tell us, please, what cell phone 21 numbers you have had, going back to January 1, 2018, 22 through the present, that you've used for business?</p> <p>23 A. 781-588-8816.</p> <p>24 Q. And I take it -- do you use that as well for</p>
<p style="text-align: right;">Page 22</p> <p>1 And would you tell us, again, please, your 2 title at Regan Communications?</p> <p>3 A. Yes. My title is Director of Crisis 4 Communications and Senior Vice President at Regan 5 Communications.</p> <p>6 Q. Is that a full-time job?</p> <p>7 A. Yes, it is.</p> <p>8 Q. And for how long have you been with Regan 9 Communications?</p> <p>10 A. I've been with Regan Communications for 11 about 11 years.</p> <p>12 Q. And fair to say that you were with Regan 13 Communications in 2018 through the present?</p> <p>14 A. Correct.</p> <p>15 Q. And what are your job responsibilities as the 16 Director of Crisis Communications?</p> <p>17 A. Some of the job responsibilities are working 18 with the client with regard to media relations, making 19 sure that the client's, you know, side of the story 20 that they may be involved in is presented to media 21 outlets that are covering the case.</p> <p>22 Q. And how often do you work with attorneys in 23 that role?</p> <p>24 A. Quite often, especially when it comes to --</p>	<p style="text-align: right;">Page 24</p> <p>1 personal calls?</p> <p>2 A. Mm-hmm.</p> <p>3 Q. In other words, you have only one cell phone?</p> <p>4 A. Yes.</p> <p>5 Q. Is that a Regan Communications-supplied cell 6 phone?</p> <p>7 A. No. That is a personal cell phone.</p> <p>8 Q. And so that's the cell phone you would've 9 used to communicate with anybody about this -- the 10 matter that brings us here today?</p> <p>11 A. Yes. And let me stipulate that I do have a 12 Regan cell phone. It's an Apple phone. I don't use 13 it. I'm not an Apple user. It's more frustrating for 14 me to use an Apple phone, so I do all communications 15 through my personal phone, which is a Samsung.</p> <p>16 Q. I take it from your testimony, thus far, that 17 you don't have any legal training; is that fair?</p> <p>18 A. That is fair.</p> <p>19 Q. And just so that it's clear, you've never 20 acted as a paralegal at a law firm, for example?</p> <p>21 A. No.</p> <p>22 Q. The -- well, let me ask, when did you first 23 do work for the Rudolph Friedmann law firm?</p> <p>24 A. You know, I don't really have the dates, but</p>

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<p style="text-align: right;">Page 25</p> <p>1 I think we've done maybe one or two projects with 2 Rudolph prior to the Chiocca case. 3 <b>Q. And which lawyers did you work with at</b> 4 <b>Rudolph Friedmann prior to the Chiocca case?</b> 5 A. I worked with both Adam Shafran and Jon 6 Friedmann. 7 <b>Q. And in the role that you performed, were you</b> 8 <b>working independently, or was that a Regan</b> 9 <b>Communications engagement?</b> 10 A. Always a Regan Communications -- 11 <b>Q. And --</b> 12 A. -- project. 13 <b>Q. I'm sorry, Casey. Go ahead.</b> 14 A. It's all right. I was going to say, always 15 -- they've been always Regan Communications projects 16 with Rudolph Friedmann. 17 <b>Q. Including this one for Mr. Chiocca, correct?</b> 18 A. Correct. 19 <b>Q. Now, when you have a new matter at Regan</b> 20 <b>Communications for a client, is there a process for</b> 21 <b>opening up the matter, formally, within the firm?</b> 22 A. The process is, we would sit down with the 23 attorneys and the clients, whom the attorneys 24 represent, get an understanding of what their</p>	<p style="text-align: right;">Page 27</p> <p>1 You have that scope of work. It was -- it was an 2 e-mail exchange. It was not a formal documentation. 3 Because of, again, the long-standing relationship 4 between Friedmann and Regan, it was more informal, I 5 would say, than the, you know, way we normally go 6 about putting contracts together for clients. 7 <b>Q. Fair enough. We'll take a look. I may have</b> 8 <b>misunderstood how you used the term "scope of work."</b> 9 <b>But can we agree that you didn't produce the</b> 10 <b>contract?</b> 11 A. I've never seen the contract, so it's never 12 come across my -- it's not in my wheelhouse. And I 13 don't even know if there was a contract ever signed, 14 to be quite honest. 15 MR. REGAN: There is no contract. 16 THE DEPONENT: There's no contract, 17 George? I'm sorry. 18 MR. COOPER: George, I appreciate your 19 wanting to be helpful here. 20 BY MR. COOPER: 21 <b>Q. But let me just ask, if there was a contract,</b> 22 <b>you're telling us it would reside at -- reside at</b> 23 <b>Regan Communications and not with you?</b> 24 A. That's correct, if there was. And as I said,</p>
<p style="text-align: right;">Page 26</p> <p>1 challenges are and how we could potentially help them 2 with those challenges. 3 <b>Q. I meant more, I guess, of the documentation</b> 4 <b>process.</b> 5 <b>So, for example, would there be an engagement</b> 6 <b>letter that is created?</b> 7 A. There is -- yes, there -- and because Rudolph 8 Friedmann has had a long-standing relationship with 9 Regan Communications, it was merely, I believe, a 10 contract. And I don't deal with contracts. That's 11 somebody else in the company. 12 <b>Q. Well, you've anticipated my next question,</b> 13 <b>which is, do you know whether there was a contract</b> 14 <b>signed for the Regan Communications engagement with</b> 15 <b>respect to Mr. Chiocca?</b> 16 A. I believe there was, and I produced a scope 17 of work on what that would look like. And so there 18 must have been a contract signed at -- at that time. 19 <b>Q. Okay. Now --</b> 20 A. I did not sign it myself, no. 21 <b>Q. In response to the subpoena that we sent you,</b> 22 <b>you understand that you haven't produced that contract</b> 23 <b>or scope of work to us, correct?</b> 24 A. It -- I did produce it yesterday, Howard.</p>	<p style="text-align: right;">Page 28</p> <p>1 I have no idea whether or not that was a formal 2 contract or a, you know, handshake agreement, so to 3 speak. 4 <b>Q. Prior to being engaged by the Rudolph</b> 5 <b>Friedmann firm, in connection with the Chiocca matter,</b> 6 <b>did you have any type of nonbusiness relationship with</b> 7 <b>any of the lawyers at that firm?</b> 8 A. No. 9 <b>Q. No socializing or anything like that?</b> 10 A. No. 11 <b>Q. Same question with regard to Mr. Chiocca, did</b> 12 <b>you know him before the engagement with the Rudolph</b> 13 <b>Friedmann firm?</b> 14 A. I did not. I did live in the Town of 15 Rockland between 1998 and 2003, but I don't know any 16 of the parties involved in this case, or I have never 17 met them prior to -- 18 <b>Q. Did you know --</b> 19 A. -- that. 20 <b>Q. Did you know anybody at town hall?</b> 21 A. No. 22 <b>Q. Did you know anybody in the municipal</b> 23 <b>government of Rockland?</b> 24 A. I did not.</p>



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<p style="text-align: right;">Page 29</p> <p>1 Q. Now, why don't you tell us, please, how the 2 matter involving Mr. Chiocca was brought to your 3 attention. 4 A. And, again, this -- from what I can recall, 5 Howard, is that Rudolph Friedmann contacted Regan 6 Communications, then we -- I was alerted to the case 7 itself via George Regan, and we set up a meeting at 8 the offices of Rudolph Friedmann with Jon Friedmann, 9 Adam Shafran and their client, Allan Chiocca. 10 Q. Let's just unpack that a little bit. 11 A. Sure. 12 Q. It sounds like the first you heard of this 13 was when you got a call from George Regan; is that 14 fair? 15 A. Yes. 16 Q. And he would've reached out to you because 17 this was within your role as the leader of the crisis 18 communications team; is that fair? 19 A. Correct. And I think it's also fair to say 20 that, you know, we had done work for the law firm in 21 the past, so I had some institutional knowledge of -- 22 of the firm, but certainly didn't know anything about 23 this case. 24 Q. And did Mr. Regan reach out to you by phone</p>	<p style="text-align: right;">Page 31</p> <p>1 A. Yes. 2 Q. And do you have a memory as to the date that 3 that meeting took place? 4 A. I do not. 5 Q. Do you recall whether it was a weekend or a 6 weekday? 7 A. I believe it was a weekday. 8 Q. And I think you said it took place at the 9 Rudolph Friedmann firm? 10 A. That is correct, yes. 11 Q. And was there any anyone from Regan 12 Communications at that meeting other than you? 13 A. Yes, George Regan. 14 Q. What about Tom Cole or Ashley Boiardi? 15 A. I believe Tom Cole could've been there, from 16 -- from what I remember. But, again, I know that 17 George was there. But, again, this would be vague 18 speculation on my point, Howard. I'm not sure. 19 Q. And Mr. Chiocca was there? 20 A. Correct. 21 Q. And what other individuals from Rudolph 22 Friedmann were there? 23 A. Adam Shafran and Jon Friedmann. 24 Q. And how long, to your recollection, did the</p>
<p style="text-align: right;">Page 30</p> <p>1 or e-mail or text, can you recall? 2 A. I can't. I -- honestly, I can't recall. 3 Probably by phone. 4 Q. And what is your best memory, Mr. Sherman, of 5 what Mr. Regan said to you and you said to him? 6 A. Very brief, from what I recall. It was, 7 we've got another project for Jim Rudolph and his law 8 firm, and we're setting up a -- a meeting. And that's 9 -- I don't think George had any more information than 10 that, and we proceeded from there. 11 Q. Do you have any way of knowing whether it was 12 a weekday or a weekend that you got that call? 13 A. I would imagine it would be a weekday, but I 14 don't -- I can't recall. 15 Q. Are -- you'd be guessing? 16 A. I'd be guessing there, yeah. 17 Q. If at any time, my question causes you to 18 guess at an answer, you're welcome to say that, 19 because it's important that you answer based upon a 20 memory rather than speculation. 21 A. I -- understood. 22 Q. Is the next event that happened after the 23 call from Mr. Regan the meeting that you just 24 testified to?</p>	<p style="text-align: right;">Page 32</p> <p>1 meeting last? 2 A. To my recollection, I would say about a -- a 3 little over an hour. 4 Q. Did you take notes? 5 A. I did not. At the time, I was just there to 6 listen and observe what was being said. 7 Q. Is this the first time you'd ever met 8 Mr. Chiocca? 9 A. Yes. 10 Q. Was it the first time that you'd ever spoken 11 to him? 12 A. Yes. 13 Q. Prior to the meeting, had you had any 14 communications with any of his lawyers at Rudolph 15 Friedmann? 16 A. Prior to the meeting, I don't believe so. 17 MR. COOPER: I'm going to mark as the 18 first exhibit -- and we'll put it up on the screen so 19 you can see it, but it is your June 1, 2018, e-mail to 20 a number of people at 12:04 p.m. 21 THE DEPONENT: Okay. 22 (Exhibit 1 marked for identification.) 23 BY MR. COOPER: 24 Q. And, Mr. Sherman, I don't know whether you</p>

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<p style="text-align: right;">Page 33</p> <p>1 have hard copies in front of you, but if you do, and</p> <p>2 it's easier for you to look at that one document --</p> <p>3 A. Mm-hmm.</p> <p>4 Q. -- you're welcome to do so, or look on the</p> <p>5 screen.</p> <p>6 A. (Deponent viewing exhibit.) Okay. I'm</p> <p>7 looking at that.</p> <p>8 MR. WALZ: I'll object to this document</p> <p>9 as privileged.</p> <p>10 BY MR. COOPER:</p> <p>11 Q. Now, Mr. Sherman, this is an e-mail that you</p> <p>12 produced to us --</p> <p>13 A. Mm-hmm.</p> <p>14 Q. -- within the last 48 hours, correct?</p> <p>15 A. (Deponent viewing exhibit.) Correct.</p> <p>16 Q. And just so it's clear for the jury and</p> <p>17 there's no confusion, the top part of this e-mail</p> <p>18 represents you forwarding this to the lawyers involved</p> <p>19 in this case yesterday, April 7th, correct?</p> <p>20 A. (Deponent viewing exhibit.) Correct.</p> <p>21 Q. And none of that is part of the original</p> <p>22 e-mail, correct?</p> <p>23 A. (Deponent viewing exhibit.) What -- I'm</p> <p>24 unsure what you're asking, Howard.</p>	<p style="text-align: right;">Page 35</p> <p>1 described?</p> <p>2 A. It must have been the morning of -- it was</p> <p>3 either the morning of Friday, June 1st, or potentially</p> <p>4 the last day of May. I'm -- yeah, I'm honestly not</p> <p>5 sure.</p> <p>6 Q. So the meeting had already taken place after</p> <p>7 -- excuse me, strike that.</p> <p>8 The meeting had already taken place before</p> <p>9 you sent this e-mail?</p> <p>10 A. I believe so. I really can't recall, but I</p> <p>11 believe so.</p> <p>12 Q. In that case, could you tell us, please, what</p> <p>13 you recall anyone said during the meeting at Rudolph</p> <p>14 Friedmann?</p> <p>15 A. I can speak to my conversation with Allan</p> <p>16 Chiocca. He was someone who came in and relayed this</p> <p>17 incident that he was involved with at town hall in</p> <p>18 Rockland.</p> <p>19 He said -- and he used these words, that he</p> <p>20 had been pressured into a compromising situation.</p> <p>21 "Pressured" is -- is the word he used. I'm -- I'm --</p> <p>22 I'm not saying he used "compromised situation," but</p> <p>23 the word "pressured," I remember him using. That he</p> <p>24 was pressured into performing sexual acts with</p>
<p style="text-align: right;">Page 34</p> <p>1 Q. Yeah, I just want to make is clear for the</p> <p>2 jury --</p> <p>3 A. Oh.</p> <p>4 Q. -- that what we -- what transpired yesterday</p> <p>5 is not part of what happened in 2018.</p> <p>6 A. Understood. Yes.</p> <p>7 Q. And all of the documents that we're going to</p> <p>8 look at this morning are going to have the same</p> <p>9 communication line of your production, either Thursday</p> <p>10 or Wednesday, and that's because you forwarded these</p> <p>11 e-mails to us, correct?</p> <p>12 A. Correct.</p> <p>13 Q. All right. So let's take a look at the</p> <p>14 June 1, 2018, 12:04 p.m. e-mail. And I'm just going</p> <p>15 to read it for the record. It says, good afternoon</p> <p>16 guys -- I worked with you both on the Allied Waste</p> <p>17 settlement so it's good to work with you again.</p> <p>18 Please send me those witness statements so that I can</p> <p>19 begin to formulate a strategy here. I will draft a</p> <p>20 statement on behalf of Allan for your review today.</p> <p>21 Have I read that correctly?</p> <p>22 A. (Deponent viewing exhibit.) You have.</p> <p>23 Q. Now, does this refresh -- refresh your</p> <p>24 recollection as to the date of the meeting that you</p>	<p style="text-align: right;">Page 36</p> <p>1 Ms. Hall on town property, and he was very agitated.</p> <p>2 And, you know, I have done a lot of crime</p> <p>3 writing in 20 years and I've interviewed a lot of</p> <p>4 victims of -- of abuse and sexual harassment. And,</p> <p>5 you know, the tone and tenor of his voice and what he</p> <p>6 relayed to me, from what I can recall, was consistent</p> <p>7 with some of the other people that I'd spoken to in my</p> <p>8 career.</p> <p>9 Q. Well, you've never spoken to Ms. Hall, have</p> <p>10 you?</p> <p>11 A. I have not.</p> <p>12 Q. Have you ever been in the same room as her?</p> <p>13 A. I have not.</p> <p>14 Q. And when you do crime writing, you generally</p> <p>15 try to interview everybody you can, before you make a</p> <p>16 judgment about who the victim is, correct?</p> <p>17 A. Yes, I do.</p> <p>18 Q. Okay. So, when you arrived at the meeting,</p> <p>19 was Mr. Chiocca already there with his lawyers?</p> <p>20 A. Yes.</p> <p>21 Q. Do you know how much time they had spent</p> <p>22 preparing for your meeting before Mr. Chiocca said</p> <p>23 anything to you?</p> <p>24 A. I have no idea.</p>



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<p style="text-align: right;">Page 37</p> <p>1 <b>Q. Okay. But Mr. Chiocca appeared agitated.</b>  2 <b>Is that what you're saying?</b>  3 A. From what I call recall, yes. That was the  4 -- I would say, you know, the -- the mood or the, you  5 know, behavior he was projecting at the time.  6 <b>Q. Did he tell you, during the first meeting,</b>  7 <b>how many drinks he had poured for Ms. Hall during the</b>  8 <b>events in question?</b>  9 A. How many drinks he had poured for Ms. Hall?  10 I don't remember him providing that information, no.  11 <b>Q. Or did he tell you how many drinks Ms. Hall</b>  12 <b>had had?</b>  13 A. He said that they had both been out drinking,  14 from what I remember of the conversation, but there  15 wasn't any specifics.  16 <b>Q. So he didn't tell you that she'd had five</b>  17 <b>drinks?</b>  18 A. I don't -- I don't recall that, Howard.  19 <b>Q. What else, if anything, do you recall him</b>  20 <b>saying?</b>  21 A. I do recall him saying that, you know, she  22 was technically his boss, and that he felt -- and  23 again, I'm paraphrasing here, so I don't remember the  24 exact language he used, but "pressured." And I</p>	<p style="text-align: right;">Page 39</p> <p>1 clients, and going -- from starting at that point. So  2 this is -- or -- hold on. This is before the Regina  3 Ryan report that obviously, you know, corroborated  4 Allan Chiocca's details of that event.  5 <b>Q. We'll get to that.</b>  6 A. Okay.  7 <b>Q. I'm simply asking, so in your position, is it</b>  8 <b>fair to say that it's your job to listen to your</b>  9 <b>clients' concern and then try to help them?</b>  10 A. That is fair to say.  11 <b>Q. Okay. And that's what you did with</b>  12 <b>Mr. Chiocca?</b>  13 A. Correct.  14 MR. WALZ: Objection.  15 BY MR. COOPER:  16 <b>Q. It's not your job to be a neutral arbiter and</b>  17 <b>go interview everybody and make a judgment?</b>  18 A. That is not my job.  19 <b>Q. Your job is to engage in media relations as</b>  20 <b>an advocate for your client, correct?</b>  21 MR. WALZ: Objection.  22 A. That -- that is correct.  23 <b>Q. Now, one of the things that you were tasked</b>  24 <b>with doing was to formulate a strategy, correct?</b></p>
<p style="text-align: right;">Page 38</p> <p>1 remember the potential use of the word "violated." He  2 also felt deep regret in -- in terms of being, you  3 know, put into that situation.  4 <b>Q. Anything else that you can recall?</b>  5 A. That -- that's about the crux of it, quite  6 frankly. I haven't -- I really can't recall, you  7 know, the details of that -- of that conversation.  8 But, you know, from what I gathered, you know, with  9 regard to that, you know, here's somebody that felt  10 like he was, again, pressured into a situation that  11 was -- that he was powerless to stop.  12 <b>Q. And what did any of the lawyers from Rudolph</b>  13 <b>Friedmann say?</b>  14 A. They -- from what I recall, and I don't -- I  15 can't -- I don't remember the conversations verbatim,  16 Howard. But, you know, they felt, as -- as did Allan,  17 that he had been, you know, violated, and then --  18 <b>Q. Do you know whether anybody had done any</b>  19 <b>independent investigation as of that point?</b>  20 A. I don't know if anybody had done any ind --  21 independent investigation at that point, no.  22 <b>Q. Did you do any investigation?</b>  23 A. Not at -- not at -- at that point. I was  24 listening to Allan's story and -- like we do for all</p>	<p style="text-align: right;">Page 40</p> <p>1 A. Correct.  2 <b>Q. And if we look at Exhibit 1 in the first</b>  3 <b>paragraph of your e-mail, it says, "Please send me</b>  4 <b>those witness statements so that I can begin to</b>  5 <b>formulate a strategy here."</b>  6 <b>Do you see that?</b>  7 A. (Deponent viewing exhibit.) I do, yeah.  8 <b>Q. What witness statements were you referring</b>  9 <b>to?</b>  10 A. That, I do not recall. I do remember that  11 they believed they had some eyewitnesses to the event.  12 And I think -- and I'm going back in time here,  13 Howard, so give me a moment, okay?  14 I think there were mentioned in that  15 conversation that there was a waitress or a bartender  16 at the restaurant that Ms. Hall and Mr. Chiocca were,  17 you know, drinking at beforehand. So I think that was  18 -- I know that was one. I don't -- I can't recall who  19 else they may have come up with during that  20 conversation.  21 <b>Q. Did you ever get any witness statements --</b>  22 A. I did not.  23 <b>Q. -- from Rudolph Friedmann -- I just have to</b>  24 <b>finish --</b></p>

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<p style="text-align: right;">Page 41</p> <p>1 A. Okay.</p> <p>2 <b>Q. -- Mr. Sherman.</b></p> <p>3 <b>Did you ever get any witness statements from</b></p> <p>4 <b>Rudolph Friedmann, to your memory?</b></p> <p>5 A. I don't believe I ever did.</p> <p>6 <b>Q. Okay. So is it fair to say that you, then,</b></p> <p>7 <b>began to formulate your strategy for Mr. Chiocca?</b></p> <p>8 A. Yes.</p> <p>9 <b>Q. And you did so based simply on what he had</b></p> <p>10 <b>told you, correct?</b></p> <p>11 A. Yes.</p> <p>12 <b>Q. And can you tell me, please, what role Tom</b></p> <p>13 <b>Cole was playing in all of this?</b></p> <p>14 A. Tom Cole was the business facilitator between</p> <p>15 Regan and the client.</p> <p>16 <b>Q. And what is the -- the role of a business --</b></p> <p>17 <b>A. That --</b></p> <p>18 <b>Q. -- facilitator?</b></p> <p>19 A. -- that would be the person who signs off on</p> <p>20 the, you know, informal agreement between the agency</p> <p>21 and the law firm.</p> <p>22 <b>Q. And what about the role of Ashley Boiardi, if</b></p> <p>23 <b>I'm saying her name correctly?</b></p> <p>24 A. Ashley Boiardi is George Regan's Chief of</p>	<p style="text-align: right;">Page 43</p> <p>1 the front page of the Boston Globe, Howard. It</p> <p>2 should've been -- it should've been taken much more</p> <p>3 seriously than it was. If Allan were female, and</p> <p>4 Deirdre were male, and the roles were re -- were</p> <p>5 reversed, you would've seen an outcry of media support</p> <p>6 on behalf of Chiocca.</p> <p>7 <b>Q. And you felt somehow that was unfair?</b></p> <p>8 A. I did, yeah.</p> <p>9 <b>Q. Okay. And that was just your personal bias?</b></p> <p>10 A. Well, I wouldn't call it "bias." It's --</p> <p>11 it's an observation working 25 years in journalism.</p> <p>12 <b>Q. Now, were you aware that there was an</b></p> <p>13 <b>internal investigation going on at the time?</b></p> <p>14 A. I was.</p> <p>15 <b>Q. And you felt that it -- things needed to be</b></p> <p>16 <b>in the media, even though there was an internal</b></p> <p>17 <b>investigation going on?</b></p> <p>18 A. I didn't feel that. The attorneys felt that,</p> <p>19 which is why they hired Regan Communications.</p> <p>20 <b>Q. The attorneys wanted it in the media?</b></p> <p>21 MR. WALZ: Objection.</p> <p>22 A. Correct. The -- the attorneys, which is why</p> <p>23 we were hired, the attorneys wanted Allan's side of</p> <p>24 the story to be presented to the media. Because I do</p>
<p style="text-align: right;">Page 42</p> <p>1 Staff and just -- at that time, she was keeping</p> <p>2 George's schedule.</p> <p>3 <b>Q. So were they involved at all, either of those</b></p> <p>4 <b>individuals, in formulating the narrative you were</b></p> <p>5 <b>creating?</b></p> <p>6 A. They were not. They were just being a --</p> <p>7 kept up to speed on -- on the work product on behalf</p> <p>8 of the client.</p> <p>9 <b>Q. And was Mr. Regan involved at all in</b></p> <p>10 <b>formulating the narrative on behalf of Mr. Chiocca?</b></p> <p>11 A. George Regan was at the original meeting, and</p> <p>12 you know, we both came out of that meeting, you know,</p> <p>13 with the consensus that, you know, this person -- and,</p> <p>14 again, I'm going to give you a little background here.</p> <p>15 You know, this was at the height of the Me Too</p> <p>16 movement, and this was really somebody that was coming</p> <p>17 out as a -- as a male who had been allegedly harassed</p> <p>18 by a female. And the fact that, you know, even these</p> <p>19 allegations weren't being taken seriously at the time,</p> <p>20 was, to us, a major problem with -- with the media,</p> <p>21 quite frankly.</p> <p>22 <b>Q. How do you know the allegations weren't being</b></p> <p>23 <b>taken seriously at the time?</b></p> <p>24 A. Because this -- this story should've been on</p>	<p style="text-align: right;">Page 44</p> <p>1 believe that the media had already been reporting on</p> <p>2 the story, at least on a hyperlocal level.</p> <p>3 <b>Q. And they wanted it to go beyond the</b></p> <p>4 <b>hyperlocal level?</b></p> <p>5 MR. WALZ: Objection.</p> <p>6 A. No, they wanted Allan's version of events to</p> <p>7 be articulated in the media, as well as any other</p> <p>8 parties involved in this case.</p> <p>9 <b>Q. Okay. And just so it's clear, after the</b></p> <p>10 <b>initial meeting, which you think may have been either</b></p> <p>11 <b>on the last day of May or the first day of June, you</b></p> <p>12 <b>set out to create a narrative for Mr. Chiocca,</b></p> <p>13 <b>correct?</b></p> <p>14 A. Based on Mr. Chiocca's narrative that he</p> <p>15 provided to Regan Communications at that meeting,</p> <p>16 yeah.</p> <p>17 <b>Q. Okay. But it was your job to create a</b></p> <p>18 <b>narrative to present to the media?</b></p> <p>19 A. It was my job to -- I don't want to use the</p> <p>20 word "create," the narrative was already there. It</p> <p>21 was my job to present Allan Chiocca's narrative to the</p> <p>22 media, not create.</p> <p>23 <b>Q. Let's make sure that we use our words</b></p> <p>24 <b>precisely.</b></p>

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<p style="text-align: right;">Page 45</p> <p>1 A. Sure.</p> <p>2 <b>Q. It was your job to get that narrative out to</b></p> <p>3 <b>the media?</b></p> <p>4 A. Correct.</p> <p>5 <b>Q. And is it your testimony that you weren't the</b></p> <p>6 <b>one creating the narrative in any way?</b></p> <p>7 A. Was I -- I was -- that question's</p> <p>8 interesting, because the narrative had been presented</p> <p>9 to us by the alleged victim in this case, Allan</p> <p>10 Chiocca. So that narrative had already been supplied</p> <p>11 to Regan Communications.</p> <p>12 What we did at that time was make sure that</p> <p>13 we were representing the attorneys and making sure</p> <p>14 that their statements on behalf of their client were</p> <p>15 presented to the media. And that's really kind of the</p> <p>16 work that we did, making sure that when Mr. Shafran</p> <p>17 had a statement to provide to the media, that he -- we</p> <p>18 were the gateway to get that to the media outlets that</p> <p>19 were covering the case.</p> <p>20 <b>Q. Well, let me just say, would you agree that</b></p> <p>21 <b>you -- and by "you," I mean Regan Communications and</b></p> <p>22 <b>you, personally -- were the ones who developed and</b></p> <p>23 <b>came up with the approach to the media?</b></p> <p>24 A. I wouldn't -- I would -- I would not say</p>	<p style="text-align: right;">Page 47</p> <p>1 we understood the editorial climate of the time</p> <p>2 focused on allegations of powerful people or people in</p> <p>3 positions of power taking advantage of those positions</p> <p>4 against their subordinates. And Allan's narrative fit</p> <p>5 that theme.</p> <p>6 <b>Q. Did you investigate at all who was actually</b></p> <p>7 <b>in a position of power between Deirdre Hall and</b></p> <p>8 <b>Mr. Chiocca?</b></p> <p>9 A. Just based on their po -- just based on their</p> <p>10 titles.</p> <p>11 <b>Q. Okay. So not on -- not in this terms of the</b></p> <p>12 <b>practical day-to-day reality?</b></p> <p>13 A. Not in term -- no. No. That's not my job.</p> <p>14 <b>Q. Understood. Did you make a recommendation at</b></p> <p>15 <b>any point in time that the media narrative focus on</b></p> <p>16 <b>the relationship between Ed Kimball and Ms. Hall?</b></p> <p>17 A. That was a collective conversation. I didn't</p> <p>18 know who Ed Kimball even was until there were</p> <p>19 discussions, not only in -- you know, most of those</p> <p>20 discussions were in a public forum at these town hall</p> <p>21 hearings that I was able to observe on the links</p> <p>22 afterwards. So, knowing that that was a -- a theme to</p> <p>23 this case, I wanted to make sure that, you know, the</p> <p>24 media was well versed in, you know, everything that</p>
<p style="text-align: right;">Page 46</p> <p>1 that's the case.</p> <p>2 <b>Q. Okay. Were you the ones who determined</b></p> <p>3 <b>certain words to be used?</b></p> <p>4 A. There was recommendation about certain words</p> <p>5 to be used, I -- I -- I -- from what I recall, yeah.</p> <p>6 <b>Q. Were you the ones who determined what</b></p> <p>7 <b>specific matters to focus on?</b></p> <p>8 A. I wouldn't say we were the ones to determine.</p> <p>9 I think that was a collective conversation between</p> <p>10 Regan Communications, Allan Chiocca and his</p> <p>11 representatives at Rudolph Friedmann.</p> <p>12 <b>Q. Were you the ones who introduced the strategy</b></p> <p>13 <b>so that it could be discussed and approved in terms of</b></p> <p>14 <b>what --</b></p> <p>15 <b>Let me just finish.</b></p> <p>16 A. Yeah.</p> <p>17 <b>Q. -- what topics to focus on?</b></p> <p>18 A. We didn't -- I -- that was a -- again, that</p> <p>19 was a -- that was a collective dialogue.</p> <p>20 But I will say that, you know, the most</p> <p>21 important thing, again, the guidance that we provided</p> <p>22 the -- the client, which they had basically provided</p> <p>23 us, and we just said the -- you know, the biggest</p> <p>24 issue here is -- is the sexual harassment issue. And</p>	<p style="text-align: right;">Page 48</p> <p>1 was going on behind the scenes in the Town of</p> <p>2 Rockland.</p> <p>3 <b>Q. Okay. Well, you started that answer by</b></p> <p>4 <b>saying "there was a collective," and you either said</b></p> <p>5 <b>"discussion" or "decision" --</b></p> <p>6 A. Yeah, there was a collective discussion with</p> <p>7 --</p> <p>8 <b>Q. I'm sorry. I have to finish the question.</b></p> <p>9 A. Yeah, go ahead. I'm sorry.</p> <p>10 <b>Q. It's -- you started your answer by saying</b></p> <p>11 <b>there was a collective discussion about focusing the</b></p> <p>12 <b>media narrative on the relationship between</b></p> <p>13 <b>Mr. Kimball and Ms. Hall.</b></p> <p>14 <b>Who participated in that collective</b></p> <p>15 <b>discussion?</b></p> <p>16 A. That would be Mr. Chiocca and his attorneys.</p> <p>17 <b>Q. Mr. Friedmann and Mr. --</b></p> <p>18 A. Howard, let me --</p> <p>19 <b>Q. -- Shafran?</b></p> <p>20 A. How -- how -- yes. Howard, let me reiterate,</p> <p>21 because you say -- you keep using the word "focus."</p> <p>22 That is -- that word was really kind of never used, at</p> <p>23 least to my recollection. It was making sure the</p> <p>24 entire story was being shared, and not just pockets of</p>

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<p style="text-align: right;">Page 49</p> <p>1 that story.</p> <p>2 <b>Q. All right. Well, we'll take a look at the</b></p> <p>3 <b>words that were actually used.</b></p> <p>4 A. Okay. I'm just giving you my recollection of</p> <p>5 that, Howard, so I want to make sure that that's --</p> <p>6 <b>Q. Understood. Is it fair to say that you were</b></p> <p>7 <b>in regular e-mail communication with the lawyers at</b></p> <p>8 <b>Rudolph Friedmann and Mr. Chiocca during the month of</b></p> <p>9 <b>June of 2018?</b></p> <p>10 MR. WALZ: Objection.</p> <p>11 A. The -- yeah, that's accurate.</p> <p>12 <b>Q. And your title is Head of Crisis</b></p> <p>13 <b>Communications.</b></p> <p>14 <b>So, I take it the consensus was, this was a</b></p> <p>15 <b>crisis?</b></p> <p>16 MR. WALZ: Objection.</p> <p>17 A. Well, this was -- you know, we would --</p> <p>18 again, I think that you're asking, we work with a lot</p> <p>19 of attorneys and, yeah, I would say that this -- this</p> <p>20 was a -- you know, as far as Allan Chiocca was</p> <p>21 concerned, it was certainly a crisis in his life.</p> <p>22 MR. COOPER: Now, let's put up and mark</p> <p>23 as the next exhibit in order, your June 3rd, 2018,</p> <p>24 e-mail at 1:06 p.m.</p>	<p style="text-align: right;">Page 51</p> <p>1 being done on behalf of the client.</p> <p>2 Ms. -- George Regan doesn't use e-mail, so</p> <p>3 Ashley was on these e-mail threads to provide George</p> <p>4 insight into how the case was going and what work we</p> <p>5 were doing on behalf of Mr. Chiocca.</p> <p>6 <b>Q. And I understand that you didn't see the</b></p> <p>7 <b>contract, but do you know what the financial</b></p> <p>8 <b>arrangement was for the engagement?</b></p> <p>9 A. I believe it was a one-time \$5,000 project</p> <p>10 fee.</p> <p>11 <b>Q. And was that actually paid?</b></p> <p>12 A. I believe it was paid. I don't know,</p> <p>13 otherwise.</p> <p>14 <b>Q. Now, let -- let --</b></p> <p>15 A. (Inaudible) --</p> <p>16 MADAM COURT REPORTER: Can you please</p> <p>17 repeat --</p> <p>18 BY MR. COOPER:</p> <p>19 <b>Q. Let's take a look --</b></p> <p>20 MADAM COURT REPORTER: I didn't hear what</p> <p>21 he said, Howard. Sorry.</p> <p>22 Can you please just repeat what you just</p> <p>23 said, sir?</p> <p>24 A. Yeah. I -- I believe it was paid, that's</p>
<p style="text-align: right;">Page 50</p> <p>1 (Exhibit 2 marked for identification.)</p> <p>2 MR. WALZ: We'll object to this document</p> <p>3 as privileged and questions about it as privileged.</p> <p>4 BY MR. COOPER:</p> <p>5 <b>Q. Mr. Sherman, do you have Exhibit 2 in front</b></p> <p>6 <b>of you?</b></p> <p>7 A. (Deponent viewing exhibit.) I do, yeah.</p> <p>8 <b>Q. Okay. And you sent this e-mail to Rudolph</b></p> <p>9 <b>Friedmann and your colleagues at Regan Communications</b></p> <p>10 <b>on the date and time that it bears, correct?</b></p> <p>11 A. (Deponent viewing exhibit.) Yes.</p> <p>12 <b>Q. And would you agree with me that your written</b></p> <p>13 <b>communications are the best source of evidence as to</b></p> <p>14 <b>what was actually being said and communicated by you</b></p> <p>15 <b>at the time?</b></p> <p>16 MR. WALZ: Objection.</p> <p>17 A. I would say that's fair, from what I recall,</p> <p>18 Howard.</p> <p>19 <b>Q. And can you tell me why, if they were not</b></p> <p>20 <b>having any substantive role in assisting with the</b></p> <p>21 <b>strategy, Mr. Cole and Mr. Boiardi continue to be</b></p> <p>22 <b>copied?</b></p> <p>23 A. Because they were -- needed to be abreast of</p> <p>24 -- of the work product and what the -- what work was</p>	<p style="text-align: right;">Page 52</p> <p>1 what I said, from my recollection, yeah.</p> <p>2 <b>Q. Now, let's take a look at your e-mail.</b></p> <p>3 A. Sure.</p> <p>4 <b>Q. There is a statement attributed to Allan</b></p> <p>5 <b>Chiocca, Rockland Town Administrator, that begins, "I</b></p> <p>6 <b>am in full support of an independent investigation</b></p> <p>7 <b>into this matter."</b></p> <p>8 <b>Do you see that?</b></p> <p>9 A. (Deponent viewing exhibit.) I do.</p> <p>10 <b>Q. And it goes on. I am not going to read the</b></p> <p>11 <b>whole thing, but you are welcome to.</b></p> <p>12 <b>But in -- who drafted that statement?</b></p> <p>13 A. I drafted that statement on behalf of</p> <p>14 Mr. Chiocca.</p> <p>15 <b>Q. Okay. And was it based upon your</b></p> <p>16 <b>communications with Mr. Chiocca up to that point in</b></p> <p>17 <b>time --</b></p> <p>18 A. It was.</p> <p>19 <b>Q. -- that is, June 3rd, 2018, at 1:06 p.m.?</b></p> <p>20 A. Yes, it was.</p> <p>21 <b>Q. Okay. And I note in this statement that it</b></p> <p>22 <b>doesn't say anywhere that Mr. Chiocca himself had</b></p> <p>23 <b>called for an investigation, correct?</b></p> <p>24 A. I'm not aware that of that. I know that, you</p>

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<p style="text-align: right;">Page 53</p> <p>1 know, prior to -- in our meeting with Mr. Chiocca, he 2 certainly relayed the -- the need for an independent 3 investigation into this matter because he felt like he 4 would be cleared and win -- vindicated. 5 <b>Q. Okay. My question is a little bit different,</b> 6 <b>Mr. Sherman.</b> 7 <b>The statement that you drafted for him</b> 8 <b>doesn't say that he was someone who had called for an</b> 9 <b>independent investigation, does it?</b> 10 A. (Deponent viewing exhibit.) It does not. 11 <b>Q. And that's because Mr. Chiocca had not said</b> 12 <b>that to you up to this point in time, correct?</b> 13 MR. WALZ: Objection. 14 A. I'm not sure what you're getting at. 15 Mr. Chiocca did say, from my recollection of that 16 initial meeting, that he believed any independent 17 review of this situation would end up in his favor, 18 and as we know, it did. 19 <b>Q. Okay. So my question's different.</b> 20 <b>My question is, Mr. Chiocca didn't tell you</b> 21 <b>that he had publicly called for an investigation prior</b> 22 <b>to his retaining you?</b> 23 MR. WALZ: Objection. 24 A. He nev -- he never said that to me. He did</p>	<p style="text-align: right;">Page 55</p> <p>1 A. (Deponent viewing exhibit.) Correct. 2 <b>Q. -- right.</b> 3 A. Yeah. 4 <b>Q. And that was a concern to you, that she was</b> 5 <b>portraying herself as a victim, right?</b> 6 A. It was an absolute concern to me. 7 <b>Q. Because -- well -- and just to be clear, you,</b> 8 <b>personally, have no idea who the victim here was,</b> 9 <b>right?</b> 10 MR. WALZ: Objection. 11 A. Do I know who the victim -- at that time? 12 Now I do, Howard. Do I know at that time? 13 <b>Q. At any point in time.</b> 14 A. Based on -- based on -- and, again, you know, 15 my job is to recommend media strategies for the client 16 working with his counsel. According to Allan 17 Chiocca's narrative, it was absolutely diametrically 18 opposed to what Ms. Hall was saying in the press at 19 the time. 20 <b>Q. And that concerned you because she was being</b> 21 <b>portrayed, based on her statements, as a victim,</b> 22 <b>right?</b> 23 A. Correct. 24 <b>Q. And you wanted to portray Mr. Chiocca as a</b></p>
<p style="text-align: right;">Page 54</p> <p>1 say that any independent investigation -- and, again, 2 I'm paraphrasing here. I don't have the exact 3 language that Mr. Chiocca used during that meeting. 4 But I do remember him being confident that any 5 independent investigation into this matter would 6 vindicate his actions that night. 7 <b>Q. My question is solely that he never said to</b> 8 <b>you that he, personally, had called for an independent</b> 9 <b>investigation, correct?</b> 10 MR. WALZ: Objection. 11 A. I -- I don't recall, Howard. I'm not sure 12 what the -- what the language was that he used in our 13 -- in our meeting. 14 <b>Q. Okay. Well, you didn't include it in his</b> 15 <b>draft statement, correct?</b> 16 A. I didn't include it in this, no. 17 <b>Q. Now, let's read on.</b> 18 <b>You then give your feedback about Ms. Hall's</b> 19 <b>public statement --</b> 20 A. (Deponent viewing exhibit.) Mm-hmm. 21 <b>Q. -- right?</b> 22 A. Yup. 23 <b>Q. And you say, quote, Hall is setting herself</b> 24 <b>up as the victim here, close quote --</b></p>	<p style="text-align: right;">Page 56</p> <p>1 <b>victim, correct?</b> 2 A. I wanted to make sure that Mr. Chiocca, who 3 believed he was the victim, got his story out there to 4 the press. So, his narrative, I wanted to make sure 5 that, you know, the -- the media was balancing both 6 statements, sure. 7 <b>Q. Now, it goes -- you go on here to write, The</b> 8 <b>key language used by Ms. Hall -- by Hall in her public</b> 9 <b>statement is, quote, an allegation of inappropriate</b> 10 <b>behavior by the town administrator towards me, close</b> 11 <b>quote.</b> 12 <b>And you underline and italicize "towards me,"</b> 13 <b>right?</b> 14 A. (Deponent viewing exhibit.) Yeah. 15 <b>Q. That's the statement that concerned you?</b> 16 A. That was the statement that concerned me 17 because I believed that Ms. Hall was portraying 18 herself as the -- a victim of unconsensual sexual 19 acts. 20 <b>Q. And you go on to write, Hall is setting</b> 21 <b>herself up as the victim here, which I've asked you</b> 22 <b>about.</b> 23 A. Yeah. 24 <b>Q. What she should've said more accurately was</b></p>



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<p style="text-align: right;">Page 57</p> <p>1 that there was an allegation of inappropriate behavior 2 between the town administrator and myself - this is 3 true. Both engaged in appropriate behavior. But Hall 4 has established herself as the victim here, close 5 quote. 6 Have I read that correctly? 7 A. (Deponent viewing exhibit.) You've read that 8 correctly, yeah. 9 Q. Okay. What did you mean by "both engaged in 10 appropriate behavior" is -- 11 A. It wasn't. There was a misspelling. Not 12 appropriate behavior, Howard. That -- 13 Q. And so -- I'm sorry. Go ahead. 14 A. Can I finish? Thank you. 15 Q. Yes. 16 A. That was -- that was a misspelling. It 17 wasn't appropriate behavior, it was inappropriate 18 behavior. Any -- 19 Q. And -- 20 A. -- time -- hold on. Please let me finish. 21 Q. Yeah. 22 A. Any time you can perform any type of sexual 23 activity, especially in the workplace, would that be 24 considered inappropriate behavior? Yes, in my</p>	<p style="text-align: right;">Page 59</p> <p>1 write, Both engaged in inappropriate behavior. 2 Was that something that Mr. Chiocca conceded 3 to you that he, too, had engaged in inappropriate 4 behavior? Yes or no. 5 A. I would say no. I think I'm -- I'm using my 6 view of -- of what I'd learned or heard from 7 Mr. Chiocca. That was a -- that was a personal 8 statement, as opposed to regurgitating something that 9 Mr. Chiocca told me. 10 Q. Did Mr. Chiocca tell you, up to this point in 11 time, that he couldn't have had sex with Ms. Hall 12 because he had medical problems? 13 A. I recall him saying something about a 14 performance issue. I don't remember the exact 15 language he -- he used, Howard, quite frankly. 16 Q. Did he -- you don't mention anything in -- in 17 this e-mail about that. 18 Is it your testimony that he had said 19 something like that to you, as of January 3rd, 2018, 20 at 1:06 p.m.? 21 A. I would -- again, my recollection is, he did 22 -- that was something that -- that he had shared with 23 us. You know, I remember him saying something about a 24 little blue pill, and that was the extent of it. I</p>
<p style="text-align: right;">Page 58</p> <p>1 estimation. 2 Q. Are you done? 3 A. I am, yeah. 4 Q. Okay. You then write -- and it should be 5 with the correction -- that both engaged in 6 inappropriate behavior. 7 And did Mr. Chiocca concede that to you, they 8 both had engaged in inappropriate behavior? 9 A. Mr. Chiocca was embarrassed that he had been 10 pressured into -- and I'm using his words -- pressured 11 into performing these acts. 12 Q. Okay. My question -- 13 A. And recognize -- can I -- please, I'm just 14 giving you my -- 15 Q. Go ahead. Go right ahead. I thought you 16 were done. 17 A. Thank you, Howard. I appreciate that. 18 But he did feel, you know, remorse for his 19 family, I think, more so than anything else, that he'd 20 been pressured into this situation. I remember him 21 talking about, you know, violating the sanctity of his 22 marriage and the fact that he had grandchildren. So, 23 you know, there was personal embarrassment there. 24 Q. You write, quote, This is true. And then you</p>	<p style="text-align: right;">Page 60</p> <p>1 didn't really want to hear anymore, quite frankly, on 2 that. 3 Q. Let's go to two paragraphs down, you write, 4 quote, We need to change the narrative, close quote. 5 Have I read that correctly? 6 A. (Deponent viewing exhibit.) You -- well, you 7 -- you have. 8 Can I -- 9 Q. That's all I'm asking is if I read it 10 correctly. 11 A. Yes. 12 Q. Okay. And was that your assessment, as of 13 June 3rd, 2018, at 1:06 p.m., that Mr. Chiocca and his 14 team needed to change the narrative? 15 A. That was my assessment after reading all of 16 the responses to Ms. Hall's -- I believe it was a 17 Facebook post at the time -- 18 Q. Is that -- 19 A. -- and that language is it. 20 Q. Is that what you set about to do, to change 21 the narrative? 22 A. Yeah, absolutely. 23 Q. And is that what Mr. Friedmann and 24 Mr. Shafran told you they wanted you to do?</p>



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1 MR. WALZ: Objection.  
2 A. To change -- I would say change the narrative  
3 in a way that corrects the narrative.  
4 Q. Okay. Well --  
5 A. It's just -- I'm telling you --  
6 Q. Okay. Corrects the narrative, in your  
7 opinion, based upon what Mr. Chiocca told you?  
8 A. That is correct.  
9 Q. Okay. You would agree with me, Mr. Sherman,  
10 that neither you or I were at town hall when  
11 Mr. Chiocca and Ms. Hall did whatever they did or  
12 didn't do, right?  
13 A. Well, I was not there, but I, you know, later  
14 viewed the surveillance video, as I am sure everybody  
15 at -- on this Zoom has, and I have read the executive  
16 summary and the report of an independent investigator  
17 into this case, yes.  
18 Q. So, Mr. Sherman, we're on June 3rd, 2018,  
19 right?  
20 A. Yeah.  
21 Q. And I understand that you are a fierce  
22 warrior in the media for your clients.  
23 But you have no personal knowledge,  
24 whatsoever, of what took place off camera in

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1 Mr. Chiocca's office in May of 2018, correct?  
2 A. Only what Mr. Chiocca relayed to me in our  
3 meeting, yes.  
4 Q. Now, as of June 3rd, 2018, at 1:06 p.m.,  
5 during this crisis, did Mr. Chiocca and his lawyers  
6 agree with you that you needed to change the  
7 narrative?  
8 MR. WALZ: Objection.  
9 A. They agreed that we had to change, slash,  
10 correct the narrative and make sure that Mr. Chiocca's  
11 story was out there, because Ms. Hall had already gone  
12 public to present herself as a victim in this case,  
13 yes.  
14 Q. And did you tell them that it was your  
15 preference that Mr. Chiocca should be portrayed as the  
16 victim that he said he truly is?  
17 A. Yeah.  
18 Q. And that the message should get out there  
19 that sexual harassment is about power, and that Hall  
20 had power over Chiocca in this situation?  
21 A. That is correct.  
22 Q. And did you instruct them that they should  
23 avoid using the word "consensual" in any messaging?  
24 A. I did.

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1 Q. Okay. So you were literally telling them  
2 what words they should and shouldn't use, correct?  
3 A. That -- that is my job, Howard, yeah, as I  
4 said --  
5 Q. Mr. Sherman --  
6 A. -- correct.  
7 Q. -- I express no personal view here. I'm very  
8 fond of Mr. Regan, who I've known for years. I  
9 understand the job that you're doing. That's all I'm  
10 trying to do, is to get the facts.  
11 A. Okay. Yes. Then yes --  
12 Q. And --  
13 A. -- that would be --  
14 Q. -- so --  
15 A. -- correct.  
16 Q. -- and did -- did Mr. Chiocca and his lawyers  
17 agree that they would not use the word "consensual"?  
18 A. I'm not sure where that landed, Howard, to be  
19 quite honest. I don't know what they ended up  
20 agreeing or not agreeing to. I don't recall that.  
21 Q. And, you then write, "A female harassment  
22 victim may consent to a sexual act under either  
23 physical or professional pressure, but that does not  
24 make her a willing participant. We must approach this

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1 case the same way."  
2 Do you see that?  
3 A. (Deponent viewing exhibit.) Yes.  
4 Q. And so, you were recommending an approach,  
5 right?  
6 A. I was recommending an approach based on Allan  
7 Chiocca's version of events, yes.  
8 Q. And did they -- did Mr. Shafran,  
9 Mr. Friedmann and Mr. Chiocca agree to go along with  
10 your approach?  
11 MR. WALZ: Objection.  
12 A. I would say, Howard, it was a collective  
13 approach. So I was articulating what the media's  
14 focus was, in terms of these, quote/unquote, Me Too  
15 cases, and giving them my professional advice in terms  
16 of how to, again, present, you know, Allan's  
17 narrative.  
18 Q. Did Mr. Friedmann, Mr. Shafran and  
19 Mr. Chiocca agree with your professional advice, to  
20 your understanding?  
21 A. To my understanding, I believe they did,  
22 yeah.  
23 Q. And, thereafter, everybody worked to put in  
24 effect a plan to achieve what you had recommended,

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<p style="text-align: right;">Page 65</p> <p>1 correct?</p> <p>2 MR. WALZ: Objection.</p> <p>3 A. Not correct, because it wasn't -- this again,</p> <p>4 was a -- was a -- a media recommendation based on</p> <p>5 Allan Chiocca's version of events and based on the</p> <p>6 reason that Regan Communications was hired in this</p> <p>7 case to begin with, which was --</p> <p>8 Q. I'm --</p> <p>9 A. Hold on.</p> <p>10 -- which was to present Allan Chiocca's</p> <p>11 version of events as someone who was a victim of</p> <p>12 sexual harassment.</p> <p>13 Q. I'm simply asking you that, after everybody</p> <p>14 agreed to follow your advice, did you all then set</p> <p>15 about to put that advice in practice?</p> <p>16 A. Sure.</p> <p>17 MR. WALZ: Objection.</p> <p>18 BY MR. COOPER:</p> <p>19 Q. Now, if you flip the -- go to the next --</p> <p>20 actually, you have it. At the bottom it says, "Please</p> <p>21 review the statement and respond when possible. If we</p> <p>22 have approval today, I can distribute to print news</p> <p>23 outlets so that it will hit Monday's newspaper cycle</p> <p>24 instead of Tuesday's."</p>	<p style="text-align: right;">Page 67</p> <p>1 would be, you know, front and center on that list.</p> <p>2 Q. And the Boston Herald as well?</p> <p>3 A. As well, yes.</p> <p>4 Q. And you have contacts at all of these places,</p> <p>5 correct?</p> <p>6 A. I do. Yeah.</p> <p>7 Q. Well, that's one of the things you bring to</p> <p>8 your job is 25 years worth of media contacts in the</p> <p>9 Boston area, right?</p> <p>10 A. I would say 25 years worth of media contacts</p> <p>11 and experience as a journalist in -- in the market,</p> <p>12 yeah.</p> <p>13 Q. How many -- or strike that.</p> <p>14 Was the statement circulated in accordance</p> <p>15 with what you wanted to do in this e-mail?</p> <p>16 A. I don't bel -- I don't know if it was,</p> <p>17 because it would've had to have been approved by the</p> <p>18 -- the legal team. So I'm not sure if that statement</p> <p>19 made its way to the media. I'm --</p> <p>20 Q. Well -- go ahead.</p> <p>21 A. I'm just saying -- I'm giving you a</p> <p>22 recollection here, Howard.</p> <p>23 So the -- oftentimes, the work we do for</p> <p>24 clients is putting together what we call holding</p>
<p style="text-align: right;">Page 66</p> <p>1 Have I read that correctly?</p> <p>2 A. (Deponent viewing exhibit.) Yes, you have.</p> <p>3 Q. And what access did you have with print news</p> <p>4 outlets as of that date?</p> <p>5 A. Prior -- in -- for this case?</p> <p>6 Q. What were you referring to here? What print</p> <p>7 news outlets?</p> <p>8 A. I was referring to all the print news outlets</p> <p>9 that were covering this case, predominantly the South</p> <p>10 Shore media. Again, you know, part of my job, Howard,</p> <p>11 is to, you know, cultivate and leverage relationships</p> <p>12 with media outlets on behalf of my client, so, yes.</p> <p>13 Q. And what media outlets were you referring to</p> <p>14 here?</p> <p>15 A. I believe I was referring to -- and I've</p> <p>16 given this information to you guys -- all of the</p> <p>17 television stations in Boston, WATD radio in</p> <p>18 Marshfield, Patriot Ledger in Marshfield. That is --</p> <p>19 I would say that's the crux of it, I believe, if I can</p> <p>20 recall.</p> <p>21 Q. What about the Boston Globe?</p> <p>22 A. They were probably on that list. I don't</p> <p>23 remember them writing about this case as of yet, but I</p> <p>24 knew that they would be. So, of course, Boston Globe</p>	<p style="text-align: right;">Page 68</p> <p>1 statements, and these holding statements summarize</p> <p>2 discussions that we've had with our clients and the</p> <p>3 legal team, that -- then that goes through the legal</p> <p>4 strainer, they change any language that they feel</p> <p>5 appropriate, or they say it's not, you know, the right</p> <p>6 time to release a statement like this.</p> <p>7 So, honestly, I'm not sure where we netted on</p> <p>8 that original statement, quite frankly.</p> <p>9 MR. COOPER: Well, let me see if I can</p> <p>10 refresh your recollection by putting up the next</p> <p>11 exhibit, which will be three. And this is June 4,</p> <p>12 2018, at 9:29 a.m.</p> <p>13 BY MR. COOPER:</p> <p>14 Q. Do you see that, Mr. Sherman?</p> <p>15 A. (Deponent viewing computer.) I don't see it,</p> <p>16 no. It's not on my --</p> <p>17 Q. It's coming.</p> <p>18 (Exhibit 3 marked for identification.)</p> <p>19 A. (Deponent viewing exhibit.) Yup. Okay.</p> <p>20 Q. Do you have it on your screen?</p> <p>21 A. I do. Yeah.</p> <p>22 Q. And this is an e-mail the next day, on</p> <p>23 Monday, correct?</p> <p>24 A. (Deponent viewing exhibit.) I believe -- was</p>

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1 that -- was that -- okay. I don't know, was the  
2 previous e-mail circulated that Sunday, or was that on  
3 a Friday?  
4 **Q. This e-mail was Sunday, June 3rd --**  
5 A. Okay.  
6 **Q. -- 2018.**  
7 A. Okay. Yeah, then that is what we distributed  
8 to the press, and that was a statement that was  
9 provided in terms of -- and I would say approved by  
10 the attorney.  
11 **Q. Which attorney?**  
12 A. Mr. Shafran.  
13 **Q. Of the two attorneys, Mr. Friedmann and**  
14 **Mr. Shafran, did one of them take the lead in dealing**  
15 **with the media issues?**  
16 A. That would be Mr. Shafran, yeah. Yeah, he is  
17 the spokesperson on all quotes that came from Allan's  
18 representative during this case.  
19 **Q. And how was that decided?**  
20 A. I don't know. I -- I was not a part of that.  
21 **Q. Now, I want to ask you a number of questions**  
22 **about this particular e-mail.**  
23 **But would you agree with me that it went out**  
24 **less than 24 hours after your Sunday e-mail, which was**

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1 at about one o'clock in the afternoon?  
2 A. (Deponent viewing exhibit.) Yeah, that would  
3 be the case. Sure.  
4 **Q. Do you remember any back-and-forth with**  
5 **anybody, between your e-mail on Sunday afternoon and**  
6 **the sending of this e-mail, which is Exhibit 3?**  
7 A. I don't recall any back-and-forth. I know  
8 that Mr. Shafran would've had to approve that  
9 statement before it was released to the press.  
10 **Q. And you've anticipated my question, which is,**  
11 **this was all subject to Mr. Shafran -- Shafran**  
12 **approving the precise words that were going to be**  
13 **used, correct?**  
14 MR. WALZ: Objection.  
15 A. That is correct. And -- that is correct, and  
16 there was at no time during our work in this case that  
17 any communiques to the media were not directed and  
18 approved by Mr. Shafran, yes.  
19 **Q. And do you recall any specific changes that**  
20 **Mr. Shafran made, prior to your e-mailing the**  
21 **statement in Exhibit 3 to the media?**  
22 A. I don't recall, you know, how he wordsmithed  
23 that, no. I don't -- I don't -- I don't remember, you  
24 know, what the edits were on that particular

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1 statement.  
2 **Q. Do you recall any edits that Mr. Chiocca**  
3 **made?**  
4 A. I don't recall that either.  
5 **Q. Okay. Now, in your e-mail, it says Casey**  
6 **Sherman as the From, and the To is blank.**  
7 **Do you see that?**  
8 A. (Deponent viewing exhibit.) I do. Well, the  
9 To is a -- every media outlet is blind CC'd. It's a  
10 customary way that we do things in the communications  
11 department. We want to make sure that we're being  
12 respectful and sensitive to media outlets and not  
13 having them, you know, competing with each other on  
14 the story.  
15 So we would -- I would never put -- send out  
16 an e-mail to so-and-so at the Boston Globe or -- or  
17 information at the Boston Globe, and then directly  
18 next to that, put the Herald in there as well. Just  
19 -- that's the standing operating procedure in our  
20 business.  
21 **Q. Is it fair to say that this is something**  
22 **that's referred to as an e-mail blast to the media?**  
23 MR. WALZ: Objection.  
24 A. I wouldn't say it was a blast. It was

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1 sending out a statement. Yes, and -- I mean, if you  
2 want -- it was sending out a statement to media  
3 outlets that either were reporting on this case or  
4 would be about to report on this case, yes.  
5 **Q. Now, how many media outlets was this sent to?**  
6 A. If I recall, that media -- there was probably  
7 sent to maybe eight media outlets, and I -- I think  
8 I've listed them all prior to that -- this.  
9 **Q. Okay. So that would include the Patriot**  
10 **Ledger --**  
11 A. Yeah.  
12 **Q. -- Lenny Rowe?**  
13 **Is he someone you know?**  
14 A. He is a reporter at the Ledger. No, he's a  
15 -- I don't -- I think he's WATD. I don't think he was  
16 covering it for the Ledger at the time.  
17 **Q. Okay. And then there's WATD, correct?**  
18 A. Yes, which is a radio station based in  
19 Marshfield, and they cover South Shore news and  
20 events, yes.  
21 **Q. And then there's 'Turtleboy Sports?**  
22 A. Yeah.  
23 **Q. We'll come back to that.**  
24 **There's CMG Boston?**

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1 A. CMG Boston? Oh, that was -- that was  
2 Boston 25. That's the -- that was the --  
3 **Q. That's Fox?**  
4 A. -- that's the news. Yeah, they don't call  
5 themselves Fox anymore, so.  
6 **Q. And, in particular, you sent it to Peter**  
7 **Wilson --**  
8 A. Yeah.  
9 **Q. -- at Boston 25?**  
10 **Someone you know?**  
11 A. Somebody I worked with during my years at  
12 WBZ-TV, correct. And he has a -- he has a news  
13 managerial position at that station.  
14 **Q. Okay. But he's someone who you have a**  
15 **personal, professional relationship with, correct?**  
16 A. Sure.  
17 **Q. And WBZ radio?**  
18 A. Mm-hmm.  
19 **Q. You have to say yes or no.**  
20 A. Yes.  
21 **Q. Do you think it went to the Globe and the**  
22 **Herald as well?**  
23 A. I'm not sure about that one. I would imagine  
24 I would've sent it to the Globe and the Herald,

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1 although, I don't think they were actively reporting  
2 on it at the time, so I'm not sure if I would've sent  
3 it to them, because I wouldn't have had anybody at the  
4 time to send it to. Normally, you're targeting a  
5 reporter that's already been covering the story, so I  
6 -- my best guesstimate would be that I most likely did  
7 send it to the Globe and Herald. I just don't recall.  
8 **Q. Did you, separate and aside from e-mailing**  
9 **this to the collective group of media outlets,**  
10 **personally reach out to anybody?**  
11 A. Not for this, no. I don't -- I think this  
12 was a blasted e-mail to see what the response would  
13 be, and to see what the public consumption on the  
14 story was. So I wasn't, again, best recollection,  
15 reaching out personally, to any reporter at that  
16 time --  
17 **Q. And so --**  
18 A. -- working on it, unless they responded to  
19 this -- to this statement.  
20 **Q. At any point in time, did you reach out,**  
21 **personally, to a member of the media?**  
22 A. Prob -- I would say yes.  
23 **Q. And when did you do that, and to whom did you**  
24 **reach out?**

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1 A. I had had, I think, some conversations with  
2 -- you mentioned Lenny Rowe, just to keep him abreast  
3 of what the hearing schedule was. And there was a  
4 back-and-forth with, I believe, the Patriot Ledger  
5 reporter because of a misspelling in  
6 Attorney Shafran's name when they printed the quote  
7 that was provided to them by me via the -- the  
8 attorneys.  
9 **Q. Do you know whether anyone else at Regan**  
10 **Communications reached out to a particular person or**  
11 **media outlet?**  
12 A. I -- I don't know that, no.  
13 **Q. Was the story offered to any media outlet as**  
14 **an exclusive at any point in time?**  
15 A. I -- I don't think so. And I think that  
16 there was some discussion about providing an exclusive  
17 opportunity to talk to Allan Chiocca, but I don't --  
18 that didn't go anywhere.  
19 **Q. Now, let's go back to Turtleboy Sports --**  
20 A. Yeah.  
21 **Q. -- as of June of 2018.**  
22 **What did you know about Turtleboy Sports?**  
23 A. Very influential social media news site. A  
24 bit edgy. A bit geared toward, you know, a younger

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1 demographic. Very similar to, I would say, your  
2 Barstool Sports.  
3 And, you know, in the media landscape in 2018  
4 not only are we, you know, we tasked with maintaining  
5 relationships with the, quote/unquote, mainstream  
6 media, but we also have to build relationships with  
7 your alternative media would, be the best way to  
8 describe that.  
9 **Q. And did you do that in this case?**  
10 A. With Turtleboy, I sent that statement to him,  
11 and I believe he was already on the story.  
12 **Q. And, by "him," who are you referring to?**  
13 A. I don't even know who he is.  
14 **Q. Just Turtleboy?**  
15 A. Yeah. This -- I have no clue who -- who runs  
16 that site, but they do hyperlocal reporting that's a  
17 bit snarky. I don't have any edit -- editorial  
18 influence in, particularly, that website, but there  
19 was somebody certainly that was -- at the time, I  
20 think, was focused on this case in some way, shape or  
21 form.  
22 **Q. Had you communicated with Turtleboy prior to**  
23 **June 4th, 2018, at 9:29 a.m., about this matter?**  
24 A. I don't think so.

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<p style="text-align: right;">Page 77</p> <p>1 Q. Do you recollect clearly that you did or you 2 didn't, or are you guessing? 3 A. Well, I -- I mean, I'm -- I'm recall -- I 4 can't recall. That's it. So I don't remember, 5 Howard. And as -- 6 Q. Now -- 7 A. -- I said, I don't -- I don't think I did. 8 Q. Now, the statement -- let's take it look at 9 it -- it says, "Here is their official statement." 10 Can you explain to me what was official about 11 this statement? 12 A. (Deponent viewing exhibit.) Official, being 13 that it was the only statement of -- of its kind 14 coming from Mr. Chiocca's representatives. 15 Q. Okay. You didn't mean to suggest that it was 16 any type of legal -- 17 A. No. No. No. By "official," it was just, 18 this was the -- I was working as a representative of 19 the law firm that was working as a representative of 20 Mr. Chiocca. 21 Q. By the way, did you understand whether 22 Mr. Chiocca remained employed at the Town of Rockland, 23 as of June 4th, 2018? 24 A. I believe he told me that he had been put on</p>	<p style="text-align: right;">Page 79</p> <p>1 do so, is false? 2 MR. WALZ: Objection. 3 A. I am not aware of that. That came from his 4 attorney, not from me. 5 Q. Okay. Do you know where his attorney got 6 that from? 7 A. I have no idea. 8 Q. Did you ever hear Mr. Chiocca say that? 9 A. I wasn't privy to a -- a conversation that 10 specifically said that. My job in this case, Howard, 11 was to disseminate the statement by Mr. Shafran, not 12 to editorialize it, not to change any of his wording. 13 Q. I -- I -- how many times do you think you had 14 spoken to Mr. Chiocca by June 4th, 2018, at 9:29 a.m.? 15 A. I mean, at least, I would say, probably five 16 times. 17 Q. And, in that, did he ever personally tell you 18 that he had called -- excuse me -- he had requested 19 that the Rockland Board of Selectmen conduct an 20 independent investigation? 21 A. I don't -- I don't recall him using that -- 22 that language. He may have, but I don't recall that. 23 Q. Then it goes on to say, "We are confident 24 that such an investigation will reveal that he never</p>
<p style="text-align: right;">Page 78</p> <p>1 administrative leave. 2 Q. Okay. Did he nevertheless tell you he had 3 remained an employee -- 4 A. Yeah. 5 Q. -- while on administrative leave? 6 A. Yes, he did. 7 Q. All right. So you understood, at the very 8 least, that he remained an employee while this was 9 going on? 10 MR. WALZ: Objection. 11 A. Mm-hmm. 12 Q. You have to say yes or no. 13 A. From what I recall, yes. 14 Q. Now, let's take a look at the statement. It 15 says, Mr. Chiocca is in full support of an independent 16 investigation into this matter, and requested the 17 Rockland Board of Selectmen conduct an independent 18 investigation prior to its decision to do so. 19 Have I read that correctly? 20 A. (Deponent viewing exhibit.) Yes. 21 Q. Okay. Are you aware that the second clause 22 of that statement, suggesting that Mr. Chiocca 23 requested that the Rockland Board of Selectmen conduct 24 an independent investigation prior to its decision to</p>	<p style="text-align: right;">Page 80</p> <p>1 acted inappropriately towards Ms. Hall." 2 Who chose those words? 3 A. That was the attorney. 4 Q. Mr. Shafran? 5 A. Correct. 6 Q. Given what you had written previously, did 7 you agree with that? 8 A. It was not up to me to agree or not to agree 9 with that statement. This was a statement that was 10 written by the attorney, and my job as working as the 11 media facilitator was to present that statement to the 12 press, ba -- via -- 13 Q. I -- I want you to know I understand that you 14 were doing your job. 15 What I'm asking you for is whether you have a 16 recollection, at the time you saw that language 17 written by Mr. Shafran, of being uncomfortable with 18 it, given what you had written before? 19 MR. WALZ: Objection. 20 A. I don't re -- I don't recall that, no. 21 Q. Do you deny that? 22 A. I'm not denying it. I don't recall it. 23 Q. Okay. Would you agree with me that you had 24 written, just the day before, that both Ms. Hall and</p>



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**1 Mr. Chiocca had engaged in inappropriate behavior?**

2 A. That was my assessment, and I did write that,  
3 but I have not been privy to all of the conversations  
4 between the attorney and Mr. Chiocca. And again --

**5 Q. And --**

6 A. Oh, let me -- let me finish, Howard.

**7 Q. Yeah, go ahead.**

8 A. That was -- I was putting my personal feeling  
9 based on, as I said, the guilt that Chiocca presented  
10 to me toward his family.

11 So, when I say "inappropriate," any time you  
12 engage in any type of behavior like that, at the  
13 workplace, you know, if it walks like a duck, it's a  
14 duck; isn't it, Howard? So that's a -- that would be  
15 inappropriate in my estimation.

**16 Q. Do you recall expressing to either  
17 Mr. Chiocca or his lawyers that they should not make  
18 that particular statement?**

19 A. I do not recall that.

20 MR. COOPER: Laurie, why don't we give  
21 you your break for a few minutes.

22 MADAM COURT REPORTER: Thank you.

23 MR. COOPER: Let's go off the record.

24 (Off the record at 11:30 a.m.)

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**1 Mr. Chiocca himself, with George Regan, with the other  
2 Regan Communications individuals who had some  
3 involvement and your e-mails, nothing has been said  
4 about Ed Kimball, correct?**

5 MR. WALZ: Objection.

6 A. Nothing has -- there -- that name came up. I  
7 don't know if it was the first meeting. You know, I  
8 know I had least one other face-to-face meeting with  
9 Allan Chiocca, and I believe Kimball's name came up at  
10 that time.

**11 Q. Okay. Was that before or after you sent out  
12 this statement -- the official statement on June 4th,  
13 2018?**

14 A. That was probably after.

**15 Q. Okay. So, for the moment, I'm on June 4th,  
16 2018.**

17 A. Okay.

**18 Q. You've had your one-hour meeting, you've  
19 heard from Mr. Chiocca, you've talked to his lawyers,  
20 you've consulted to the extent you wanted to with  
21 George Regan, and you've discussed the narrative that  
22 you wanted to get out, and Mr. Kimball's name didn't  
23 come up, correct?**

24 MR. WALZ: Objection.

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1 (Recess taken.)

2 (Back on the record at 11:38 a.m.)

3 BY MR. COOPER:

**4 Q. Mr. Sherman, the way this works is, even  
5 though we take a break, you remain under oath. I hope  
6 you understand that.**

7 A. Correct.

**8 Q. Now, we've looked at -- and I've asked you  
9 about a series of e-mails and at least one in-person  
10 meeting and some telephone calls that took place  
11 during the first few days of your involvement in this  
12 matter as Regan's head of crisis communications; fair?**

13 A. Fair.

**14 Q. In everything that you've told us thus far,  
15 it seems that there was no mention whatsoever of my  
16 client, Ed Kimball, fair?**

17 MR. WALZ: Objection.

18 A. I can't recall -- in terms of -- can you re  
19 -- rephrase that question --

**20 Q. Sure.**

21 A. -- Howard?

**22 Q. Sure. In terms of your reciting to the jury  
23 so far this morning, your memory of discussions with  
24 any of the lawyers at Rudolph Friedmann, with**

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1 A. Correct.

**2 Q. Okay.**

3 A. From --

**4 Q. And --**

5 A. -- what I recall, Howard -- sorry. From what  
6 I recall, yes.

**7 Q. And the statement -- the official statement  
8 that was put out on behalf of Mr. Chiocca nowhere  
9 mentions Mr. Kimball, correct?**

10 A. That's correct.

**11 Q. And it nowhere mentions any relationship  
12 between Mr. Hall -- Ms. Hall and Mr. Kimball, correct?**

13 A. That is correct.

**14 Q. And there are no accusations that Ms. Hall  
15 and Mr. Kimball were somehow conspiring to harm  
16 Mr. Chiocca, correct?**

17 MR. WALZ: Objection.

18 A. Not in that statement, no.

**19 Q. And Mr. Chiocca hadn't told you any of those  
20 things as of June 4th, 2018, correct?**

21 MR. WALZ: Objection.

22 A. To my rec -- to my recollection, I had not  
23 heard that part of the story yet.

**24 Q. Now -- and it certainly wasn't part of any**



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**1 recommended media narrative that you were suggesting**  
**2 as of that time, right?**

3 A. No, but I do recall some social media chatter  
4 with regard to that relationship.

**5 Q. We'll get there.**

6 A. Hold on, Howard. Part of my job was to  
7 monitor the social media discussions just to see where  
8 public opinion was at the time. So I can't give you a  
9 date on when I -- when I -- when that, you know,  
10 started to socialize on social media, but with regard  
11 to the Shafran statement on that particular day, no.

**12 Q. My job, Mr. Sherman, is to try to get at the**  
**13 facts and the truth, and that's all I'm trying to do**  
**14 is what -- get at what you were told and what you**  
**15 weren't told and when.**

16 A. Understood.

**17 Q. So --**

18 A. Thank you.

**19 Q. So you're engaged to deal with this crisis in**  
**20 Mr. Chiocca's life, correct?**

21 A. Correct.

**22 Q. And you devote attention to it over a**  
**23 weekend, correct?**

24 A. Correct.

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**1 Q. This is something that people hire you to do,**  
**2 in terms of crisis management with the media, right?**  
3 A. Correct.  
**4 Q. And in terms of everything that was told to**  
**5 you and what Mr. Chiocca and his legal team ultimately**  
**6 approved to go out to the media, there was no mention**  
**7 of the relationship between Ms. Hall and**  
**8 Mr. Kimball --**

9 MR. WALZ: Objection.

10 BY MR. COOPER:

**11 Q. -- as of the -- as of June 4th, correct?**

12 MR. WALZ: Objection.

13 A. From what I recall, that's the case. I don't  
14 -- but, again, I can't -- I don't remember when that  
15 name came into the conversation.

**16 Q. Okay. And just so it's clear, you have no**  
**17 memory of Mr. Chiocca mentioning Mr. Kimball in the**  
**18 in-person meeting that took place, right?**

19 A. I don't recall that.

20 MR. COOPER: Now, if we could put the  
21 next document up, please, which is a June 4th 2018,  
22 11:26 a.m., e-mail from you.

23 THE DEPONENT: Mm-hmm.

24 (Exhibit 4 marked for identification.)

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1 BY MR. COOPER:

**2 Q. You report back at that date and time to**  
**3 Mr. Shafran, Mr. Friedmann, Mr. Chiocca, copied to**  
**4 your colleagues, that statement has been distributed?**

5 MR. WALZ: I object to this document as a  
6 privileged communication.

7 A. What am I answering, Howard? I'm sorry.

**8 Q. I'm just asking you, you were reporting back**  
**9 that you had distributed the statement, correct?**

10 A. Correct.

**11 Q. And then you write, "We've been monitoring**  
**12 social media."**

**13 Do you see that?**

14 A. (Deponent viewing exhibit.) Yes.

**15 Q. And who is the "we"?**

16 A. Meaning Regan Communications, so  
17 predominantly me for Regan Communications --

**18 Q. Who else --**

19 A. -- when I say --

**20 Q. I'm sorry.**

21 A. -- "we."

**22 Q. Were you referring to anyone other than**  
**23 yourself in terms of who at Regan Communications were**  
**24 monitoring social media?**

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1 A. No. I was referring to myself.

**2 Q. And does part of your job include having**  
**3 people make comments on social media that are**  
**4 advantageous to your clients?**

5 A. No.

**6 Q. Do you know whether that was done by anybody**  
**7 in this case?**

8 A. Not to my knowledge, it was done. That's not  
9 the way I work, so I would not -- I know that there  
10 are some communication strategies that point to that,  
11 especially in politics, but in this case, in the work  
12 that I was doing on behalf of Shafran, Friedmann and  
13 Chiocca, was seeing what the dialogue was out in  
14 social media land.

**15 Q. Did any of them report to you they were**  
**16 planting comments in social media?**

17 A. No.

**18 Q. You say here -- you refer to a comment that**  
**19 you found on Ms. Hall's official Facebook page. It**  
**20 says, "I've reached out to Mikey Connolly and am**  
**21 waiting it hear back."**

**22 Do you see that?**

23 A. (Deponent viewing exhibit.) Yup.

**24 Q. Did you connect with Mikey Connolly?**

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1 A. I don't think I ever did, no.  
2 Q. All right. Did you -- you never spoke to  
3 him?  
4 A. I don't believe so, no.  
5 Q. And you asked Mr. Chiocca if he's familiar  
6 with him and whether he's a friend of Mr. Chiocca's.  
7 Do you see that?  
8 A. (Deponent viewing exhibit.) I do. Yeah.  
9 Q. Did you get any answer to that question?  
10 A. I don't recall whether Chiocca knew this guy  
11 or not. I don't -- I don't think so.  
12 Q. Okay. Well, let me just ask it so it's  
13 clear.  
14 A. Sure.  
15 Q. Did you have any understanding that  
16 Mr. Chiocca was using a friend, or friends, to plant  
17 comments on social media?  
18 A. No. Absolutely not.  
19 Q. Do you know one way or the other whether that  
20 happened?  
21 A. I don't know one way or the other, but I was  
22 not at -- privy to it.  
23 Q. Do you know who Michael -- Mikey Connolly is?  
24 A. I -- I don't. He was somebody that, I

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1 believe, had a comment regarding -- and I'm -- I'm  
2 going way back in my head here, are -- because I don't  
3 remember -- I don't even remember what that comment  
4 was, but it was something regarding Ms. Hall, I  
5 believe. And I don't -- I can't remember what that  
6 comment was.  
7 Q. Well, there's an attachment here I'm going to  
8 open.  
9 A. Oh, okay. Perfect.  
10 Q. And do you see where it says, from Mikey  
11 Connolly, "Was there inappropriate behavior when you  
12 two were having drinks early in the evening at Banner  
13 Pub?"  
14 A. (Deponent viewing computer.) I can't see --  
15 if you're opening an attachment, Howard, I cannot see  
16 that.  
17 Q. I'm ahead of my colleague here. Give me one  
18 second.  
19 A. (Deponent laughs.)  
20 (Deponent viewing exhibit.) Yup. I do see  
21 that, yup.  
22 Q. And you understand this is the attachment  
23 that you were forwarding?  
24 A. Exactly.

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1 Q. And there was something here -- it says  
2 something about inappropriate behavior when you two  
3 were having drinks early in the evening at Banner Pub.  
4 Did you question Mr. Chiocca about what that  
5 meant?  
6 A. I don't know if I questioned -- I think I was  
7 asking in that e-mail, is the -- do you know this guy,  
8 because this -- that -- that comment was part of that,  
9 you know, response thread, and you know, if -- if he  
10 did know him -- know him, can we get in -- in touch  
11 with him and get his side of the story if he had any  
12 knowledge with regard to this case. And I don't  
13 believe I was ever -- ever able to make contact with  
14 him. I'm not -- that -- I don't recall that.  
15 Q. And my question is whether you learned from  
16 Mr. Chiocca at any point in time about inappropriate  
17 behavior while he and Ms. Hall were having drinks  
18 early in the evening at Banner Pub?  
19 A. I did not have conversations with Mr. Chiocca  
20 with regard to that.  
21 Q. What about with his lawyers?  
22 A. No. From what I gathered, when Chiocca did  
23 explain that -- that meeting, he said that there were  
24 other, either town officials or, you know, friends of

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1 -- of Rockland at that table, but didn't get into  
2 specifics on what was talked about or what the  
3 behaviors were.  
4 Q. Then there's an entry or -- or a post that  
5 says, "Deirdre's track record is a little bit sketchy  
6 and there's rumors of inappropriate behavior at City  
7 of Quincy water and sewer department. She resigned  
8 for these reasons. She's not truthful enough for  
9 positions in government."  
10 Do you see that?  
11 A. (Deponent viewing exhibit.) I do.  
12 Q. And what, if anything, did you do to follow  
13 up on that comment?  
14 A. I was -- the only person that had knowledge  
15 to, you know, that rumor was probably this guy, so I  
16 can -- I never confirmed or -- you know, we don't  
17 really deal with hearsay unless people come forward  
18 and -- and are willing to go on the record or at least  
19 give us background. And that was never anything that  
20 we seriously attempted to track down.  
21 Q. Now, let's go to another e-mail on June 4th,  
22 2018. This one is at 2:14 p.m.?  
23 A. Okay.  
24 Q. And this is just a couple hours later, and

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<p style="text-align: right;">Page 93</p> <p>1 you're giving --</p> <p>2 MR. COOPER: Well, let me get it up on</p> <p>3 the screen first.</p> <p>4 THE DEPONENT: Sure.</p> <p>5 (Exhibit 5 marked for identification.)</p> <p>6 MR. WALZ: I will object to this document</p> <p>7 as privileged.</p> <p>8 BY MR. COOPER:</p> <p>9 Q. So this is a little later in the day, and</p> <p>10 you're giving a further update on your monitoring of</p> <p>11 the response to the statement; is that fair?</p> <p>12 A. (Deponent viewing exhibit.) That's fair.</p> <p>13 Q. And you write, "Hello all -- We culled this</p> <p>14 from Howie Carr's Twitter feed. Looks like someone is</p> <p>15 trying to expose Hall's previous relationship as</p> <p>16 well."</p> <p>17 Do you see that?</p> <p>18 A. (Deponent viewing exhibit.) I do.</p> <p>19 Q. Can you see it, Mr. Sherman?</p> <p>20 A. (Deponent viewing exhibit.) I can. I can.</p> <p>21 I see that. I don't --</p> <p>22 Have you tried to open the attachment yet?</p> <p>23 Q. I'm going to get to that in one second. I</p> <p>24 just wanted --</p>	<p style="text-align: right;">Page 95</p> <p>1 there -- there wasn't -- in reference to any</p> <p>2 particular person, it was giving an update on what</p> <p>3 people were talking about.</p> <p>4 Q. And if you could open the attachment, please.</p> <p>5 Now -- whoop. One second.</p> <p>6 This is, at least in terms of what was</p> <p>7 produced to us, the attachment.</p> <p>8 A. (Deponent viewing exhibit.) Yup.</p> <p>9 Q. And someone using the moniker Taxed 2 Death</p> <p>10 in Mass, writes, and it says, June 1, replying to at</p> <p>11 Howie Carr Show.</p> <p>12 Do you see that?</p> <p>13 A. (Deponent viewing exhibit.) I do.</p> <p>14 Q. Can you explain to me how someone could make</p> <p>15 a comment on June 1 that was in response to your</p> <p>16 release of an official statement?</p> <p>17 A. That -- that wasn't in response to my release</p> <p>18 of an official statement. I was doing social media</p> <p>19 monitoring of not who was picking up the statement,</p> <p>20 but the story itself. So if that predates the</p> <p>21 statement, that was just something that I found on</p> <p>22 Howie Carr's Twitter feed.</p> <p>23 Q. Had you sent the statement to Howie Carr?</p> <p>24 A. I don't think so. No. I -- let me go on the</p>
<p style="text-align: right;">Page 94</p> <p>1 A. (Deponent viewing exhibit.) I do see that.</p> <p>2 Yes, I do.</p> <p>3 Q. And as of June 4th, 2018, at 2:14 p.m., were</p> <p>4 you trying to expose Ms. Hall's relationship with</p> <p>5 Mr. Kimball?</p> <p>6 MR. WALZ: Objection.</p> <p>7 A. No, I wasn't -- I don't believe so. What we</p> <p>8 were doing is monitoring social media posts to see</p> <p>9 what was out there, what the townpeople themselves</p> <p>10 were talking about. So there was no clear directive</p> <p>11 in terms of discovering information with regard to</p> <p>12 Hall's relationship with Kimball, at least not at that</p> <p>13 point.</p> <p>14 Q. Are you done?</p> <p>15 A. I am, yeah.</p> <p>16 Q. Okay. Do you know whether Mr. Shafran,</p> <p>17 Mr. Friedmann and Mr. Chiocca, any of them were trying</p> <p>18 to expose Ms. Hall's relationship with Mr. Kimball?</p> <p>19 A. Not that I recall.</p> <p>20 Q. Well, why did you use the words "as well"?</p> <p>21 See where it says, trying to expose Hall's previous</p> <p>22 relationship as well? As well as who?</p> <p>23 A. (Deponent viewing exhibit.) Not as well as</p> <p>24 whom, as well as the previous social media post. So</p>	<p style="text-align: right;">Page 96</p> <p>1 record here, no, I did not send anything to Howie</p> <p>2 Carr. He and I do not have a good relationship.</p> <p>3 Q. Do you know whether the Herald had shared</p> <p>4 whatever you sent to him with Mr. Carr?</p> <p>5 A. I don't know. I couldn't tell you that.</p> <p>6 MR. COOPER: Okay. Could we go to this</p> <p>7 (indicating)?</p> <p>8 I'm going to put up as the next exhibit in</p> <p>9 order a June 5, 2018, 4:04 p.m. e-mail between you and</p> <p>10 Mr. Chiocca copied to your colleagues.</p> <p>11 THE DEPONENT: Okay.</p> <p>12 (Exhibit 6 marked for identification.)</p> <p>13 MR. WALZ: And I'll object to the</p> <p>14 introduction and questioning as to this document as</p> <p>15 privileged.</p> <p>16 BY MR. COOPER:</p> <p>17 Q. Well, there aren't any lawyers copied on this</p> <p>18 document, are there?</p> <p>19 MR. WALZ: I -- that means nothing, but</p> <p>20 you're right.</p> <p>21 MR. COOPER: That was a question to</p> <p>22 Mr. Sherman.</p> <p>23 A. (Deponent viewing exhibit.) That is correct,</p> <p>24 yes.</p>

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1 Q. Is there a reason you were limiting the  
2 communication to just Mr. Chiocca, Mr. Cole and  
3 Ms. Boiardi?  
4 A. No reason at all.  
5 Q. You write, "Just met with Allan and he shared  
6 texts with Selectman Hall the morning after the  
7 incident and for another two weeks, FYI, good for  
8 you" --  
9 A. Us to --  
10 Q. -- "us to have."  
11 A. Yeah, correct.  
12 Q. And, with that correction, have I read it  
13 correctly?  
14 A. (Deponent viewing exhibit.) Yes, you have.  
15 Q. Okay. And you had met with Mr. Chiocca in  
16 person on June 5th, 2018, correct?  
17 A. Correct.  
18 Q. And where was that meeting?  
19 A. That -- I believe that was meeting was at the  
20 law office, Friedmann on -- Rudolph Friedmann on State  
21 Street in Boston.  
22 Q. And who attended that meeting?  
23 A. From what I would imagine, it would've been  
24 -- and, again, I can't -- Allan clearly was there, but

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1 statement that went out, and with this -- with regard  
2 to this particular e-mail, it was, Allan wanted to  
3 show me texts that he, I believe, had received from  
4 Ms. Hall in the hours maybe post-encounter. So those  
5 images are me taking a photo of Mr. Chiocca's phone  
6 with my own phone at the time. Those e-mails were --  
7 those text were never shared with me.  
8 Q. Now, what -- strike that.  
9 When you do take notes, do you take  
10 handwritten notes, or do you type into a computer?  
11 A. When I take notes? It depends. You know, I  
12 haven't really -- on something like this, absorb it,  
13 figure out, you know -- listen to what the lawyers  
14 have to say. And, again, my job really was to sharpen  
15 any public statements that were going out, provide  
16 those to the media. But when I say "sharpen," every  
17 single statement that went out was vetted, approved,  
18 if not written by the attorneys representing  
19 Mr. Chiocca.  
20 Q. Okay. Now, tell us, please, what you recall  
21 was said during the meeting at Rudolph Friedmann that  
22 day.  
23 A. I -- I can't be specific on that, Howard. It  
24 was -- that's, you know, several years ago and, you

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1 I'm sure it was at least one of the representing  
2 attorneys, either Shafran or Friedmann or both. I  
3 don't recall.  
4 Q. Anybody else?  
5 A. I don't think so, no.  
6 Q. How long did that meeting last?  
7 A. I do not recall, Howard, but probably --  
8 again, you know, half hour, 45 minutes maybe.  
9 Q. Did you -- strike that.  
10 What was the purpose of the meeting?  
11 A. Just following up on communications and what  
12 was going on, on the legal front, keeping me abreast  
13 of next steps for -- in terms of hearings and things  
14 like that from -- from what I recall of that -- of  
15 that meeting.  
16 Q. And why was it important to physically get  
17 together rather than talk by e-mail or have a  
18 telephone call?  
19 A. I don't recall why that was important, but we  
20 were all in the city. I think that Allan was visiting  
21 his attorneys for some reason, and it made sense for  
22 me to be there.  
23 Q. And did you take notes?  
24 A. No. I -- we were just talking about the

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1 know, when you're juggling five or six clients  
2 simultaneously, I don't remember, but I do remem --  
3 the only thing I remember from that meeting was him  
4 sharing those text messages.  
5 Q. So you have no memory of him mentioning  
6 Mr. Kimball?  
7 A. It could've been the time that Kimball's name  
8 started to be socialized, you know, within the -- the  
9 group. That could've -- that could've been the day,  
10 sure.  
11 Q. Well, are you guessing?  
12 A. I am guessing, but it makes sense that that  
13 would've been the day.  
14 Q. What do you mean by Kimball's name would've  
15 been socialized within the group?  
16 A. Well, there was -- you know, a time where --  
17 and I'm -- I don't recall who brought this up, whether  
18 it was Allan or the attorneys -- that there were, you  
19 know, allegations with regard to the relationship  
20 between Kimball and Ms. Hall. And, at that point, I  
21 was urged to watch a public meeting that was aired on  
22 some website -- you know, the Town of Rockland website  
23 where this was brought up in the open by, I believe it  
24 was one other town selectman, which I thought was

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<p style="text-align: right;">Page 101</p> <p>1 pretty fascinating.</p> <p>2 <b>Q. Have you finished your answer?</b></p> <p>3 A. I have.</p> <p>4 <b>Q. As of Wednesday, June 6, 2018, you had been</b></p> <p>5 <b>engaged for about five days --</b></p> <p>6 A. That sounds --</p> <p>7 <b>Q. -- is that fair?</b></p> <p>8 A. Sorry. That sounds correct.</p> <p>9 <b>Q. And did you make a determination by</b></p> <p>10 <b>Wednesday, June 6, 2018, that it would be important</b></p> <p>11 <b>for the Kimball-Hall relationship to become part of</b></p> <p>12 <b>the narrative?</b></p> <p>13 A. That would prob -- I mean, it was already out</p> <p>14 there in public consumption, so that's -- it wasn't a</p> <p>15 recommendation that I had. It was something that I</p> <p>16 think was collectively decided upon. Again, I didn't</p> <p>17 know who this guy Ed Kimball was or --</p> <p>18 <b>Q. Collectively -- I'm sorry.</b></p> <p>19 A. Yeah.</p> <p>20 <b>Q. Collectively decided upon by whom?</b></p> <p>21 A. Well, the only parties involved in</p> <p>22 discussions about Allan Chiocca were myself, Allan</p> <p>23 Chiocca, Shafran and Friedmann.</p> <p>24 <b>Q. Did you, Mr. Chiocca, Mr. Shafran and</b></p>	<p style="text-align: right;">Page 103</p> <p>1 A. From what I can recall, I'm not sure that was</p> <p>2 the language used, but we were bringing in every piece</p> <p>3 of information regarding this case that we could, and</p> <p>4 that included information regarding Ms. Hall's other</p> <p>5 relationships.</p> <p>6 MR. COOPER: Okay. Let's put up the next</p> <p>7 exhibit in order on the screen, please, which is a</p> <p>8 Wednesday, June 6, 2018, at 11:56 a.m. --</p> <p>9 THE DEPONENT: Mm-hmm.</p> <p>10 MR. COOPER: -- e-mail.</p> <p>11 (Exhibit 7 marked for identification.)</p> <p>12 BY MR. COOPER:</p> <p>13 <b>Q. You sent that e-mail --</b></p> <p>14 MR. WALZ: I will object to this e-mail</p> <p>15 as privileged and questions about this as privileged.</p> <p>16 BY MR. COOPER:</p> <p>17 <b>Q. You sent this e-mail at that date and time to</b></p> <p>18 <b>Mr. Chiocca, Mr. Friedmann and Mr. Shafran copied to</b></p> <p>19 <b>your colleagues at Regan Communications, correct?</b></p> <p>20 A. (Deponent viewing exhibit.) Correct.</p> <p>21 <b>Q. And I want to go a little bit more than half</b></p> <p>22 <b>way down the substance of the e-mail, although you're</b></p> <p>23 <b>welcome to read the whole thing. You write, "I agree</b></p> <p>24 <b>with the strategy for Friday's recommending that Allan</b></p>
<p style="text-align: right;">Page 102</p> <p>1 <b>Mr. Friedmann discuss a plan to shift the focus away</b></p> <p>2 <b>from Mr. Chiocca's transgression to that of Hall and</b></p> <p>3 <b>Kimball?</b></p> <p>4 MR. WALZ: Objection.</p> <p>5 A. I don't recall using that type of language,</p> <p>6 but, certainly, there was, you know, an agreement or</p> <p>7 at least the recommendation to tell the entire story</p> <p>8 from Allan's point of view. And I know that Allan,</p> <p>9 you know, at that point, was discussing what he knew</p> <p>10 about their relationship. Clearly, he wasn't the only</p> <p>11 one, you know, going back to that -- that public</p> <p>12 hearing which was one of the most outrageous things I</p> <p>13 had seen. This was a -- a little-kept secret in the</p> <p>14 town of -- of Rockland for sure.</p> <p>15 <b>Q. Okay. Let -- let me get you to focus very</b></p> <p>16 <b>specifically on my question.</b></p> <p>17 <b>As of the first week -- actually, let me take</b></p> <p>18 <b>it without dates.</b></p> <p>19 <b>At any point in time, did you, Adam Shafran,</b></p> <p>20 <b>Jon Friedmann and Allan Chiocca agree to pursue a</b></p> <p>21 <b>strategy that would shift the focus away from</b></p> <p>22 <b>Mr. Chiocca's transgression to that of Hall and</b></p> <p>23 <b>Kimball? Yes or no.</b></p> <p>24 MR. WALZ: Objection.</p>	<p style="text-align: right;">Page 104</p> <p>1 <b>ask Regina Ryan to explore other relationships</b></p> <p>2 <b>impacting town business (primarily Kimball/Hall)."</b></p> <p>3 <b>Have I read that correctly?</b></p> <p>4 A. (Deponent viewing exhibit.) Yes.</p> <p>5 <b>Q. And then you go on, it says, "Once this</b></p> <p>6 <b>becomes part of the narrative (and eventually it</b></p> <p>7 <b>will), it will support Allan's case and shift the</b></p> <p>8 <b>focus away from his transgression to that of Hall &amp;</b></p> <p>9 <b>Kimball."</b></p> <p>10 Have I read that correctly?</p> <p>11 A. (Deponent viewing exhibit.) That's correct.</p> <p>12 <b>Q. Those are the words that you chose to</b></p> <p>13 <b>communicate that day, correct?</b></p> <p>14 A. Yes.</p> <p>15 <b>Q. And you were referring to Mr. Chiocca's</b></p> <p>16 <b>transgression, correct?</b></p> <p>17 A. Yeah.</p> <p>18 MR. WALZ: Objection.</p> <p>19 BY MR. COOPER:</p> <p>20 <b>Q. Right?</b></p> <p>21 A. Yeah. That word was used, yeah.</p> <p>22 <b>Q. And you would agree with me that, at least as</b></p> <p>23 <b>you understood it, the Kimball/Hall relationship was</b></p> <p>24 <b>not yet part of the narrative, right?</b></p>



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<p style="text-align: right;">Page 117</p> <p>1 reporter's question later. If it was released, you 2 know, by Ms. Hall's attorney and was, you know, 3 characterized in a way that would support her 4 allegations.</p> <p>5 <b>Q. Is this what is referred to sometimes in your</b> 6 <b>profession as getting out in front of the story?</b></p> <p>7 A. Ab -- yes, absolutely.</p> <p>8 <b>Q. And I don't mean this in a pejorative way,</b> 9 <b>but it's part of your job to spin the available facts,</b> 10 <b>correct?</b></p> <p>11 A. I don't like to -- I've never used the word 12 "spin the available facts." It is, you know, develop 13 a narrative that supports my client's version of 14 events.</p> <p>15 MR. COOPER: So let's go to the next 16 exhibit in order, which is a Wednesday, June 13, 2018 17 e-mail from you to Mr. Shafran, Mr. Friedmann, 18 Mr. Chiocca, copied to your colleagues at Regan 19 Communications at 11:26 a.m.</p> <p>20 (Exhibit 9 marked for identification.)</p> <p>21 BY MR. COOPER:</p> <p>22 <b>Q. And would you just confirm that you sent that</b> 23 <b>-- this e-mail?</b></p> <p>24 A. (Deponent viewing exhibit.) Confirmed.</p>	<p style="text-align: right;">Page 119</p> <p>1 was coerced back inside the building by Ms. Hall who 2 placed her body in front of his. During this 3 exchange, Ms. Hall harassed Mr. Chiocca by reminding 4 him that she, as a selectman, voted on his contract. 5 Ms. Hall then demanded that Mr. -- that Chiocca 6 accompany her back inside town hall. We are glad that 7 the truth is coming out -- into -- coming into light 8 regarding this situation and will continue to work 9 with the independent investigator toward a fair 10 outcome, close quote.</p> <p>11 Have I read that correctly, other than my 12 stumbling?</p> <p>13 A. (Deponent viewing exhibit.) You have.</p> <p>14 <b>Q. Who wrote that?</b></p> <p>15 A. Who wrote that?</p> <p>16 <b>Q. Yes.</b></p> <p>17 A. I wrote that based on my viewing of the 18 videotape. And in what we do, again, going back to 19 articulating what our -- what our job is for the 20 client, write a statement that is either going to be 21 objected to by the client or approved by the client. 22 Normally, there are several drafts of statements that 23 are back -- going back and forth until ultimately the 24 attorneys representing the client decide what</p>
<p style="text-align: right;">Page 118</p> <p>1 <b>Q. And you drafts -- drafted a statement?</b></p> <p>2 MR. WALZ: I'm objecting to questions 3 about this document as privileged.</p> <p>4 BY MR. COOPER:</p> <p>5 <b>Q. You drafted a statement for the recipient's</b> 6 <b>consideration --</b></p> <p>7 A. Mm-hmm.</p> <p>8 <b>Q. -- about the video, correct?</b></p> <p>9 A. (Deponent viewing exhibit.) Yes.</p> <p>10 <b>Q. And it says, quote, We applaud the Town of</b> 11 <b>Rockland for its decision to release video</b> 12 <b>surveillance of the incident that occurred on the</b> 13 <b>evening of May 1 2018 at town hall involving my</b> 14 <b>client, Allan Chiocca, Rockland town administrator,</b> 15 <b>and Selectman Deirdre Hall. This video clearly shows,</b> 16 <b>through express concern -- through -- clearly shows,</b> 17 <b>through Ms. Hall's action -- actions, that at no time</b> 18 <b>did she express concern to Mr. Chiocca about his</b> 19 <b>alleged, quote, inappropriate behavior, close quote.</b></p> <p>20 Have I read that correctly?</p> <p>21 A. (Deponent viewing exhibit.) Yes, you have.</p> <p>22 <b>Q. And it goes on to say, What the video does</b> 23 <b>show however is the moment that Mr. Chiocca attempted</b> 24 <b>to leave the parking lot and return to his vehicle but</b></p>	<p style="text-align: right;">Page 120</p> <p>1 statement is ultimately going to go to the press.</p> <p>2 <b>Q. Understood. I just want to ask you, though,</b> 3 <b>in the second paragraph, which begins with, "What the</b> 4 <b>video does show, however," where you got that Ms. Hall</b> 5 <b>harassed Mr. Chiocca by reminding him that she, as a</b> 6 <b>selectman, voted on his contract.</b></p> <p>7 Where does that appear on the video?</p> <p>8 A. That was according to Allan Chiocca, and that 9 was ultimately -- I don't even think we released that 10 statement.</p> <p>11 <b>Q. I -- I understand. I'm just asking you --</b></p> <p>12 A. Yeah.</p> <p>13 <b>Q. -- where these things come from.</b></p> <p>14 So that's what Mr. Chiocca told you?</p> <p>15 A. Yes.</p> <p>16 <b>Q. And then it says, "Ms. Hall then demanded</b> 17 <b>that Chiocca accompany her back inside town hall."</b></p> <p>18 Where did that come from?</p> <p>19 A. Mr. Chiocca.</p> <p>20 <b>Q. And then -- well, and do you recall</b> 21 <b>discussing this statement, other than by e-mail, with</b> 22 <b>any of the recipients?</b></p> <p>23 A. I don't recall discussing it other -- other 24 than by e-mail. I don't recall.</p>



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<p style="text-align: right;">Page 121</p> <p>1 Q. Did you agree, based upon your own 2 observations of the video, with these statements that 3 Mr. Chiocca made that I've just asked you about? 4 A. The video aligned with his version of the 5 events, in my opinion. 6 Q. Okay. Is there any way to look at that video 7 and determine that Ms. Hall harassed Mr. Chiocca by 8 reminding him that she, as a selectman, voted on his 9 contract? 10 MR. WALZ: Objection. 11 A. That was probably poor wordsmithing by me. 12 And again, these are drafts that go back and forth, 13 and I'm sure the attorneys would've flagged that. But 14 again, this is Allan Chiocca's version of events. And 15 ultimately, the spokesperson for Allan Chiocca is his 16 attorney. 17 Q. And did someone tell you that you had it all 18 wrong and they didn't want it to go out? 19 MR. WALZ: Objection. 20 A. Honestly, I don't remember. I don't recall 21 how that statement either was -- how that statement 22 evolved or developed or whether it even -- it went 23 out. 24 Q. So you don't know --</p>	<p style="text-align: right;">Page 123</p> <p>1 Q. And the To is blank here again. 2 And I assume it's the same recipients -- 3 A. Correct. 4 Q. -- that you named before, but you just don't 5 want them to see each other, correct? 6 A. That is -- that is correct, yeah. 7 Q. And this is -- the subject matter is Rockland 8 Scandal -- Allan Chiocca statement for new lawsuit to 9 block the surveillance video, urgent. 10 Have I read that correctly? 11 A. (Deponent viewing exhibit.) That is correct. 12 Q. And does this refresh your recollection that, 13 in fact, the statement went out? 14 A. It must have, yeah. 15 Q. And if you look at the fifth paragraph, it 16 says, "To the contrary, the video shows that," and 17 then it goes on. 18 Do you see that? 19 A. (Deponent viewing exhibit.) Mm-hmm. 20 Q. You have to say yes or no. 21 A. Yes. 22 Q. And it includes what we just looked at that, 23 "During this exchange, Hall threatened Chiocca by 24 stating that she votes on his raise, which Mr. Chiocca</p>
<p style="text-align: right;">Page 122</p> <p>1 A. I don't know. 2 Q. I'm sorry. You don't know one way or the 3 other whether it went out; is that fair? 4 A. Ahh, from -- yeah, that's fair. From my 5 recollection, that's correct, Howard. 6 Q. And do you have any memory of either 7 Mr. Chiocca, Mr. Shafran or Mr. Friedmann telling you 8 that anything about this statement was wrong? 9 A. There must have been a -- a discussion of 10 some kind, in order to decide what to do with it, and 11 it probably was -- normally, those conversations 12 occurred between myself and Mr. Shafran. 13 MR. COOPER: Well, let's take a look at 14 the next exhibit, which is a June 14th at 4:14 p.m. 15 e-mail from you. 16 THE DEPONENT: Okay. 17 (Exhibit 10 marked for identification.) 18 MR. COOPER: And I believe this is 19 Exhibit 10, Laurie? 20 MADAM COURT REPORTER: It is, sir. 21 BY MR. COOPER: 22 Q. Okay. And, Mr. Sherman, did you send this 23 e-mail on the date and time it bears? 24 A. (Deponent viewing exhibit.) Yes.</p>	<p style="text-align: right;">Page 124</p> <p>1 and the board were in the process of actively 2 negotiating." 3 Have I read that correctly? 4 A. (Deponent viewing exhibit.) Correct. 5 Q. And that line has some edits from what you 6 had proposed in your preceding e-mail, correct? 7 A. Correct. 8 Q. Who made those changes? 9 A. It would've -- it would've had to have been 10 the -- the attorney. 11 Q. Mr. Shafran? 12 A. I believe so, yeah. 13 Q. Let's keep going. 14 And you'd -- you'd agree with me, to state 15 the obvious, that in this release, there was nothing 16 about Mr. Kimball and Ms. Hall's relationship, 17 correct? 18 MR. WALZ: Objection. 19 A. I -- I didn't see the -- yeah, I don't think 20 so. 21 (Pause.) 22 MR. COOPER: When you see me taking some 23 time and flipping papers, it means that the 24 deposition's going to be shorter rather than longer.</p>

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<p style="text-align: right;">Page 125</p> <p>1 (Pause.)</p> <p>2 MR. COOPER: Okay. I'd like to mark as</p> <p>3 the next exhibit in order, which will be 11, a</p> <p>4 June 19th, 2018, 11:48 a.m. e-mail from you.</p> <p>5 THE DEPONENT: Okay.</p> <p>6 (Exhibit 11 marked for identification.)</p> <p>7 MR. WALZ: I'll object to this e-mail as</p> <p>8 being privileged and questions about this e-mail as</p> <p>9 being privileged.</p> <p>10 BY MR. COOPER:</p> <p>11 <b>Q. You have that up in front of you,</b></p> <p>12 <b>Mr. Sherman?</b></p> <p>13 A. (Deponent viewing exhibit.) Yes.</p> <p>14 <b>Q. And can you just confirm, please, that you</b></p> <p>15 <b>sent it on the date and time it bears?</b></p> <p>16 A. (Deponent viewing exhibit.) Yes.</p> <p>17 <b>Q. And, in this, there is what is referred to as</b></p> <p>18 <b>a holding statement?</b></p> <p>19 A. (Deponent viewing exhibit.) Correct.</p> <p>20 <b>Q. It's a holding statement that would be issued</b></p> <p>21 <b>in the event that Mr. Kimball resigned and there was</b></p> <p>22 <b>press asking for a quote?</b></p> <p>23 A. Correct.</p> <p>24 <b>Q. Was this statement that -- something that you</b></p>	<p style="text-align: right;">Page 127</p> <p>1 MR. WALZ: Objection.</p> <p>2 A. I was aware, and I believe at this point,</p> <p>3 that this is a -- already an open discussion in a town</p> <p>4 hall meeting.</p> <p>5 <b>Q. That's not what I'm asking you.</b></p> <p>6 A. I --</p> <p>7 <b>Q. I'm asking you --</b></p> <p>8 A. I don't recall whether or not Kimball was</p> <p>9 mentioned in, quote/unquote, the mainstream media at</p> <p>10 the time.</p> <p>11 <b>Q. Was -- did you inves -- did you investigate</b></p> <p>12 <b>that at the time?</b></p> <p>13 A. I don't re -- I don't -- I don't remember. I</p> <p>14 don't recall.</p> <p>15 <b>Q. Okay. Can you think of any mainstream media</b></p> <p>16 <b>outlet that had published, prior to June 19th, 2018,</b></p> <p>17 <b>that there had been a relationship between Mr. Kimball</b></p> <p>18 <b>and Ms. Hall?</b></p> <p>19 A. I don't -- I don't recall. I do believe that</p> <p>20 some of the social media sites and alternative media</p> <p>21 were aggressively pursuing that story angle.</p> <p>22 <b>Q. My question is the mainstream media.</b></p> <p>23 A. How would you describe the mainstream media,</p> <p>24 Howard?</p>
<p style="text-align: right;">Page 126</p> <p>1 drafted?</p> <p>2 A. Yes.</p> <p>3 <b>Q. And was it released?</b></p> <p>4 A. I don't think it was released. I -- I don't</p> <p>5 recall that being released.</p> <p>6 When we put together holding statements, we</p> <p>7 have to account for every potential scenario in a --</p> <p>8 in a case like this. So it's being proactive in case</p> <p>9 something does happen, but I do not recall that</p> <p>10 statement being released.</p> <p>11 <b>Q. Okay. And in that statement that you drafted</b></p> <p>12 <b>-- (sneezes) excuse me. Sorry.</b></p> <p>13 In the statement that you drafted, you write</p> <p>14 in the first sentence, "The abrupt decision by Edward</p> <p>15 Kimball to resign from his position as Chairman of the</p> <p>16 Board of Selectmen for the Town of Rockland raises</p> <p>17 serious ethical questions as to the true nature of his</p> <p>18 relationship with Selectman Deirdre Hall."</p> <p>19 Have I read that correctly?</p> <p>20 A. (Deponent viewing exhibit.) Yes.</p> <p>21 <b>Q. Now, as of this date, June 19th, 2018, you</b></p> <p>22 <b>are aware that there was nothing in the mainstream</b></p> <p>23 <b>media about Mr. Kimball's relationship with Ms. Hall,</b></p> <p>24 <b>correct?</b></p>	<p style="text-align: right;">Page 128</p> <p>1 <b>Q. The way you described it earlier.</b></p> <p>2 A. I don't know if reporters were working on</p> <p>3 that narrative. It -- nothing had been published.</p> <p>4 That doesn't mean that stories weren't being worked on</p> <p>5 behind the scenes.</p> <p>6 <b>Q. Well, my question was, what had been</b></p> <p>7 <b>published in the mainstream media, and you know, based</b></p> <p>8 <b>on your memory, that as of June 19th, 2018, that you</b></p> <p>9 <b>-- when you prepared this statement, there was nothing</b></p> <p>10 <b>in the mainstream media, correct?</b></p> <p>11 MR. WALZ: Objection.</p> <p>12 A. I will take your word for it, Howard. That,</p> <p>13 I don't recall, but sure.</p> <p>14 <b>Q. And what you were calling for here was a</b></p> <p>15 <b>investigation, essentially, into their relationship,</b></p> <p>16 <b>right?</b></p> <p>17 A. Sure. Yes.</p> <p>18 <b>Q. And was this statement -- I understand your</b></p> <p>19 <b>testimony that you say that it wasn't released, but</b></p> <p>20 <b>was it approved by Attorneys Rudolph -- excuse me --</b></p> <p>21 <b>Attorneys Friedmann and Shafran and Mr. Chiocca?</b></p> <p>22 A. I would -- I don't recall whether or not it</p> <p>23 was approved. If it went out to the media, then it</p> <p>24 would've been approved by the attorneys.</p>

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<p style="text-align: right;">Page 133</p> <p>1 MS. BELOSTOCK: (Complied.)</p> <p>2 MR. COOPER: Okay. Let's stop there.</p> <p>3 MS. BELOSTOCK: (Complied.)</p> <p>4 MR. COOPER: I'm sorry, you gotta go back</p> <p>5 the other way.</p> <p>6 MS. BELOSTOCK: Oh.</p> <p>7 (Complied.)</p> <p>8 MR. COOPER: Right there.</p> <p>9 BY MR. COOPER:</p> <p>10 <b>Q. Okay. So, did you send this e-mail on</b></p> <p>11 <b>June 21, 2018, at 9:53 a.m.?</b></p> <p>12 A. (Deponent viewing exhibit.) I did.</p> <p>13 <b>Q. And, again, it's to the group of media</b></p> <p>14 <b>outlets that you've testified to already?</b></p> <p>15 A. (Deponent viewing exhibit.) That is correct.</p> <p>16 <b>Q. Had you made any efforts to expand that group</b></p> <p>17 <b>by this date?</b></p> <p>18 A. I'm not -- I -- I don't recall. I don't</p> <p>19 think so.</p> <p>20 <b>Q. Okay. And, again, a number of the media</b></p> <p>21 <b>outlets you were forwarding this to included</b></p> <p>22 <b>mainstream media outlets, correct?</b></p> <p>23 A. Correct. Yup.</p> <p>24 <b>Q. Now, I want to go -- if we could scroll</b></p>	<p style="text-align: right;">Page 135</p> <p>1 This was a statement that was drafted by Shafran and</p> <p>2 distributed to the media by me.</p> <p>3 <b>Q. Whose decision was it to alert the mainstream</b></p> <p>4 <b>media of Kimball's close relationship with Hall?</b></p> <p>5 A. That would've been the attorney.</p> <p>6 <b>Q. Mr. Shafran?</b></p> <p>7 A. Yes.</p> <p>8 <b>Q. Do you know why he made the decision to do</b></p> <p>9 <b>that on June 1, 2018?</b></p> <p>10 A. I think it has to do with Allan Chiocca's</p> <p>11 open meeting law complaint.</p> <p>12 <b>Q. And he wanted it to be part of the narrative</b></p> <p>13 <b>that there was a close relationship between</b></p> <p>14 <b>Mr. Kimball and Mr. [sic] Hall that should be subject</b></p> <p>15 <b>to the investigation; is that fair?</b></p> <p>16 MR. WALZ: Objection.</p> <p>17 A. I think that would be fair.</p> <p>18 <b>Q. Did you agree or disagree with that strategy?</b></p> <p>19 A. I agreed with it, because it was already in</p> <p>20 the open forum at town meeting and the -- certainly</p> <p>21 something that everyone in town was talking about with</p> <p>22 regard to these three individuals.</p> <p>23 <b>Q. Okay. But I'm talking about raising this to</b></p> <p>24 <b>the level of providing it to the mainstream media.</b></p>
<p style="text-align: right;">Page 134</p> <p>1 towards the bottom, there is a bottom paragraph that</p> <p>2 begins, "Mr. Chiocca strongly believes that Chairman</p> <p>3 Kimball has not taken his complaint against Hall</p> <p>4 seriously because of Kimball's close relationship with</p> <p>5 Hall, which we expect the ongoing investigation to</p> <p>6 uncover."</p> <p>7 <b>Have I read that correctly?</b></p> <p>8 A. (Deponent viewing exhibit.) Yes.</p> <p>9 <b>Q. So it was you -- or strike that.</b></p> <p>10 <b>Did you write those words?</b></p> <p>11 A. (Deponent viewing exhibit.) No. I did not</p> <p>12 write those words.</p> <p>13 <b>Q. Who -- who wrote those words?</b></p> <p>14 A. It would have had to come from the attorney.</p> <p>15 <b>Q. And I note that this -- if you go all the way</b></p> <p>16 <b>to the bottom, is a statement attributed to Adam</b></p> <p>17 <b>Shafran --</b></p> <p>18 A. (Deponent viewing exhibit.) Yes.</p> <p>19 <b>Q. -- right?</b></p> <p>20 A. Yup.</p> <p>21 <b>Q. What causes you to believe that one of the</b></p> <p>22 <b>attorneys wrote those words?</b></p> <p>23 A. Because I did not write those words. I</p> <p>24 didn't have that intel -- institutional knowledge.</p>	<p style="text-align: right;">Page 136</p> <p>1 A. It was already raised to the level to provide</p> <p>2 that to the mainstream media because these town</p> <p>3 meetings were videotaped and circulated, so the media</p> <p>4 already knew or was alerted to whatever was going on</p> <p>5 between these two parties well before Adam Shafran</p> <p>6 released or ordered me to release that statement.</p> <p>7 <b>Q. Oh, well, we'll get there.</b></p> <p>8 A. Okay.</p> <p>9 <b>Q. Who in the mainstream media told you that</b></p> <p>10 <b>they were aware of a sexual relationship between</b></p> <p>11 <b>Mr. Kimball and Mr. [sic] Hall on June 21, 2018, or</b></p> <p>12 <b>any prior day?</b></p> <p>13 A. I think I had a conversation with one person</p> <p>14 in the media at least on this, and they were trying to</p> <p>15 track down information with regard to what the</p> <p>16 allegations were.</p> <p>17 <b>Q. Who was that person?</b></p> <p>18 A. I certainly -- I -- I don't recall, and nor</p> <p>19 would I give up a source like that.</p> <p>20 <b>Q. Okay. Well, was -- a person in the media</b></p> <p>21 <b>would be a source for you?</b></p> <p>22 A. Sure. Yeah, that's -- that's the bread and</p> <p>23 butter of what we do, Howard.</p> <p>24 <b>Q. Okay. Well you don't recall who it is</b></p>

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<p style="text-align: right;">Page 137</p> <p><b>1 anyway, right?</b></p> <p>2 A. No, I don't recall who it is anyways. But</p> <p>3 the story was well tread in -- online and certainly,</p> <p>4 you know, part of the conversations that a lot of</p> <p>5 different people were having with regard to this case.</p> <p><b>6 Q. Okay. Name some.</b></p> <p>7 A. I'm -- I'm -- I can't, but I -- but I --</p> <p><b>8 Q. Well, you just said a lot of different</b></p> <p><b>9 people.</b></p> <p>10 A. Well --</p> <p><b>11 Q. I'm just asking you for --</b></p> <p>12 A. Anybody that --</p> <p><b>13 Q. -- just one name.</b></p> <p>14 A. Anybody that watched the debacle that was</p> <p>15 that town hall meeting would certainly be willing --</p> <p>16 be ready to talk about that. But I'm just giving you</p> <p>17 from what I heard. I can't remember who exactly was</p> <p>18 socializing that narrative at the time, but it was --</p> <p>19 it was out there for sure.</p> <p><b>20 Q. But not in the mainstream media publications,</b></p> <p><b>21 correct?</b></p> <p>22 A. Not printed, but, certainly, something that,</p> <p>23 I'm sure if I was a journalist working on this case, I</p> <p>24 would've absolutely unearthed that information. I can</p>	<p style="text-align: right;">Page 139</p> <p>1 (Exhibit 14 marked for identification.)</p> <p>2 BY MR. COOPER:</p> <p><b>3 Q. Mr. Shafran writes to Mr. Chiocca, to you and</b></p> <p><b>4 Mr. Friedmann and he says, "Gentlemen, Attached hereto</b></p> <p><b>5 is the final report. I have not read it all yet, but</b></p> <p><b>6 it is most definitely good for Allan."</b></p> <p>7 <b>Do you see that?</b></p> <p>8 A. (Deponent viewing exhibit.) I do.</p> <p>9 MR. WALZ: I'm going to --</p> <p>10 BY MR. COOPER:</p> <p><b>11 Q. And then --</b></p> <p>12 MR. WALZ: -- object to any further</p> <p>13 questioning about this document as privileged and to</p> <p>14 the document as privileged.</p> <p>15 BY MR. COOPER:</p> <p><b>16 Q. Then two paragraphs below he writes, "A</b></p> <p><b>17 reminder, do not" -- and under the words don't are in</b></p> <p><b>18 capital letters -- "share this report with anyone."</b></p> <p>19 <b>Do you see that?</b></p> <p>20 A. (Deponent viewing exhibit.) I do.</p> <p><b>21 Q. And that was the instruction that Mr. Shafran</b></p> <p><b>22 gave you and his client, Mr. Chiocca, or your mutual</b></p> <p><b>23 client, Mr. Chiocca, that you were not to share the</b></p> <p><b>24 report with anyone, right?</b></p>
<p style="text-align: right;">Page 138</p> <p>1 ima --</p> <p><b>2 Q. And --</b></p> <p>3 A. Hold on. I can imagine that my colleagues</p> <p>4 would be doing the same.</p> <p><b>5 Q. Okay. Well, I don't want you to imagine.</b></p> <p>6 A. I'm just --</p> <p><b>7 Q. I'm only interested in facts here.</b></p> <p>8 A. Okay.</p> <p><b>9 Q. Name for me a single mainstream reporter who</b></p> <p><b>10 you were aware was working on a story about a sexual</b></p> <p><b>11 relationship between Ms. Hall and Mr. Kimball as of</b></p> <p><b>12 June 21, 2018. Just give me a name.</b></p> <p>13 A. I'm not -- I can't confirm an individual</p> <p>14 reporter to you, no.</p> <p>15 MR. COOPER: Okay. Let's skip ahead to</p> <p>16 July 6, 2018 --</p> <p>17 THE DEPONENT: Okay.</p> <p>18 MR. COOPER: -- and we'll put it up on</p> <p>19 the screen. This is an e-mail at 12:09 p.m.</p> <p>20 MS. BELOSTOCK: 12:09 p.m.?</p> <p>21 MR. COOPER: 12:09 p.m.</p> <p>22 Do you have it?</p> <p>23 MS. BELOSTOCK: Yeah.</p> <p>24 MR. COOPER: Okay.</p>	<p style="text-align: right;">Page 140</p> <p>1 A. Right. At the moment, yes.</p> <p><b>2 Q. And he told you that the report was</b></p> <p><b>3 confidential, correct?</b></p> <p>4 A. At that moment, yes.</p> <p><b>5 Q. In fact, it said it on the report that it was</b></p> <p><b>6 confidential, correct?</b></p> <p>7 A. Yes.</p> <p><b>8 Q. And you know that the report also said that</b></p> <p><b>9 it could not be disseminated without the permission of</b></p> <p><b>10 the board of selectpersons in the Town of Rockland,</b></p> <p><b>11 correct?</b></p> <p>12 A. I don't recall that, no.</p> <p><b>13 Q. You -- you don't remember ever seeing that?</b></p> <p>14 A. I'm -- I'm saying I don't recall, no.</p> <p><b>15 Q. I -- I'm -- I just want to be clear, did you</b></p> <p><b>16 ever physically see the report?</b></p> <p>17 A. I did, yes.</p> <p><b>18 Q. And is it your testimony that you don't</b></p> <p><b>19 recall whether there was a logo on every page stating</b></p> <p><b>20 that it could not be released without the permission</b></p> <p><b>21 of the board of selectpersons of the Town of Rockland?</b></p> <p>22 A. Ult -- I -- I haven't viewed that report in</p> <p>23 three years, Howard, so I don't know. But I'm -- that</p> <p>24 -- that -- if that's the case, then that's the case.</p>

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<p style="text-align: right;">Page 145</p> <p>1 Summary, right?</p> <p>2 A. Mm-hmm.</p> <p>3 Q. I'm going to open the attachment.</p> <p>4 MR. COOPER: And could you make it a</p> <p>5 little smaller?</p> <p>6 MS. BELOSTOCK: (Complied.)</p> <p>7 BY MR. COOPER:</p> <p>8 Q. And you're welcome to read it, Mr. Sherman.</p> <p>9 But you did see the executive summary,</p> <p>10 correct?</p> <p>11 A. (Deponent viewing exhibit.) I -- I did see</p> <p>12 that, correct.</p> <p>13 Q. And it was written by Regina Ryan, whose name</p> <p>14 appears on the last page along with her signature --</p> <p>15 A. (Deponent viewing exhibit.) Yes.</p> <p>16 Q. -- right?</p> <p>17 And you know that Mr. Kimball's not mentioned</p> <p>18 in this executive summary, correct?</p> <p>19 A. Correct.</p> <p>20 Q. And nothing is mentioned about any</p> <p>21 relationship between Mr. Kimball and Ms. Hall,</p> <p>22 correct?</p> <p>23 A. In the executive summary, correct.</p> <p>24 MR. COOPER: Now, let's scroll forward to</p>	<p style="text-align: right;">Page 147</p> <p>1 make sure that there wasn't any additional edits or</p> <p>2 addendums to the statement that Shafran had developed.</p> <p>3 Q. Okay. Well, just so you know, I only have an</p> <p>4 e-mail from you to him.</p> <p>5 A. Okay. Well, I'll see if I can track down</p> <p>6 that other one, Howard. I gave you everything that I</p> <p>7 could find, so --</p> <p>8 Q. Okay.</p> <p>9 A. -- you'll have to --</p> <p>10 Q. I just want --</p> <p>11 A. Yeah.</p> <p>12 Q. -- the record -- I'm sorry. Go ahead.</p> <p>13 A. Go on the record, sure. Tell me what you're</p> <p>14 going to say here.</p> <p>15 Q. I just want the record to be clear that</p> <p>16 you're testifying that there's an e-mail from Adam</p> <p>17 Shafran to you forwarding the statement that he wrote.</p> <p>18 A. Yes, because I did not -- I did not write</p> <p>19 this.</p> <p>20 Q. Any part of it?</p> <p>21 A. (Deponent viewing exhibit.) I'm looking. I</p> <p>22 don't recognize my language at all on this statement.</p> <p>23 Q. Okay. So you do ask, in your e-mail, for</p> <p>24 them to let you know if this is final and that you'd</p>
<p style="text-align: right;">Page 146</p> <p>1 an e-mail dated the July 10th, 2018, at 3:41 p.m.,</p> <p>2 which is the same day but later in the day.</p> <p>3 (Exhibit 16 marked for identification.)</p> <p>4 BY MR. COOPER:</p> <p>5 Q. And did you send the e-mail that is comprised</p> <p>6 in this exhibit -- comprised as this exhibit, which I</p> <p>7 believe will be 16 --</p> <p>8 MADAM COURT REPORTER: Correct.</p> <p>9 BY MR. COOPER:</p> <p>10 Q. -- on July 10th, 2018, at 3:41 p.m.?</p> <p>11 MR. WALZ: I'm going to object to the</p> <p>12 questioning of this document as well, as privileged.</p> <p>13 THE DEPONENT: (Viewing exhibit.) Can</p> <p>14 you scroll up, please, on that?</p> <p>15 MS. BELOSTOCK: (Complied.)</p> <p>16 A. (Deponent viewing exhibit.) Yeah, that --</p> <p>17 this statement was developed by Attorney Shafran.</p> <p>18 Q. Okay. So you didn't write it?</p> <p>19 A. Correct.</p> <p>20 Q. But for some reason you're forwarding it to</p> <p>21 him?</p> <p>22 A. No, I -- I forwarded to say, is this final?</p> <p>23 Q. Okay.</p> <p>24 A. This was his e-mail to me, so I wanted to</p>	<p style="text-align: right;">Page 148</p> <p>1 send it to the media immediately after the vote?</p> <p>2 A. (Deponent viewing exhibit.) Yes, based upon</p> <p>3 the agreement and the guidance and direction of</p> <p>4 Shafran and -- and Friedmann.</p> <p>5 Q. Okay. And you didn't do any independent</p> <p>6 investigation or get any personal guidance from anyone</p> <p>7 but them?</p> <p>8 A. They're the clients, so that -- I would only</p> <p>9 be directed via the client.</p> <p>10 Q. But just to be clear, you didn't consult with</p> <p>11 anyone at Regan Communications about the propriety of</p> <p>12 releasing the report; is that fair?</p> <p>13 A. I don't recall what conversations we had. I</p> <p>14 -- all as I remember is this particular statement from</p> <p>15 -- from Shafran and their decision that Allan was not</p> <p>16 a party to that agreement.</p> <p>17 Q. Did you consult with a lawyer, other than</p> <p>18 Mr. Shafran and Mr. Friedmann?</p> <p>19 A. We -- we did not, no.</p> <p>20 Q. Do you recall talking to George Regan about</p> <p>21 the release of the report?</p> <p>22 A. I don't recall talking to George. I don't</p> <p>23 know if there was a conversation or not, you know.</p> <p>24 Q. Now, the e-mail, as they say, says what it</p>



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<p style="text-align: right;">Page 149</p> <p>1 says.</p> <p>2 But you would agree with me that, in the</p> <p>3 second paragraph, it talks about, quote, the</p> <p>4 disturbing conspiracy of lies conducted by Hall and</p> <p>5 Kimball to smear the reputation of Mr. Chiocca for</p> <p>6 their own personal and political benefit, closed</p> <p>7 quote.</p> <p>8 Have I read that correctly?</p> <p>9 A. (Deponent viewing exhibit.) You have read</p> <p>10 that correctly.</p> <p>11 Q. And you're telling me that Mr. Shafran wrote</p> <p>12 that?</p> <p>13 A. I did not write that.</p> <p>14 Q. Do you know who did?</p> <p>15 A. I -- it must have been Mr. Shafran. It's his</p> <p>16 quote.</p> <p>17 Q. And do you know whether the report, in fact,</p> <p>18 lays out a disturbing conspiracy of lies conducted by</p> <p>19 Hall and Kimball?</p> <p>20 MR. WALZ: Objection.</p> <p>21 A. Those are -- those are Adam Shafran's words,</p> <p>22 not mine.</p> <p>23 Q. Okay. Let's go down to the fourth paragraph,</p> <p>24 which purports to quote from the report about, quote,</p>	<p style="text-align: right;">Page 151</p> <p>1 Again, this was -- the only re -- memory I have of</p> <p>2 that entire event was that Friedmann and Shafran had</p> <p>3 concluded that Chiocca was not a party to that, and</p> <p>4 that's why --</p> <p>5 Q. So --</p> <p>6 A. -- the statement was --</p> <p>7 Q. -- the --</p> <p>8 A. -- drafted by Shafran.</p> <p>9 Q. -- the reason that I'm asking, Mr. Sherman,</p> <p>10 is, I want to know the timing of when they concluded</p> <p>11 that and expressed it to you.</p> <p>12 Because, here, Mr. Chiocca is -- Mr. Shafran</p> <p>13 on behalf of Mr. Chiocca is urging the board to vote</p> <p>14 to make the full 29-page investigative report public,</p> <p>15 right?</p> <p>16 A. Yes.</p> <p>17 Q. And is it fair to say that it wasn't until</p> <p>18 after that vote was taken and it was decided that the</p> <p>19 report should remain private, the full report should</p> <p>20 remain private, that that is when you were informed by</p> <p>21 Mr. Shafran and Mr. Friedmann that they were going to</p> <p>22 release it anyway?</p> <p>23 A. I don't rem -- recall the specific series of</p> <p>24 events in the timeline there, Howard.</p>
<p style="text-align: right;">Page 150</p> <p>1 an intense physical and emotional affair between</p> <p>2 herself and Kimball during the months of March and</p> <p>3 April 2018, at which time Hall professed her love for</p> <p>4 Kimball, and it goes on.</p> <p>5 Do you see that?</p> <p>6 A. (Deponent viewing exhibit.) Yes.</p> <p>7 Q. And did you have any role in writing anything</p> <p>8 in this paragraph?</p> <p>9 A. I did not.</p> <p>10 Q. And then, in the last paragraph above the</p> <p>11 statement, it says, as a result, "Mr. Chiocca urges</p> <p>12 the Board of Selectmen to make the full 25 [sic] page</p> <p>13 investigative report public so that the residents of</p> <p>14 Rockland are given all the facts regarding this case,"</p> <p>15 and it goes on, but I'm going to stop there.</p> <p>16 A. (Deponent viewing exhibit.) Okay.</p> <p>17 Q. Have I read that correctly?</p> <p>18 A. (Deponent viewing exhibit.) Yes.</p> <p>19 Q. When you were talking to Mr. Shafran about</p> <p>20 this statement and whether it should be released, did</p> <p>21 he tell you that he recognized that the board of</p> <p>22 selectmen had to vote to make the full 29-page report</p> <p>23 public?</p> <p>24 A. I don't recall what that conversation was.</p>	<p style="text-align: right;">Page 152</p> <p>1 Q. Okay. Is it fair to say that they, at least,</p> <p>2 wanted you to publish something urging the board to</p> <p>3 take a vote to make the full report public?</p> <p>4 A. I think that was fair to say, given the</p> <p>5 statement that we both just read.</p> <p>6 MR. COOPER: Now, I'm going to ask to</p> <p>7 mark as the next exhibit in order, Exhibit 16 --</p> <p>8 MADAM COURT REPORTER: Seventeen.</p> <p>9 MR. COOPER: Seventeen, sorry.</p> <p>10 -- Exhibit 17, a July 10, 2018, 3:46 p.m.</p> <p>11 from you to Shafran, Friedmann and Chiocca.</p> <p>12 (Exhibit 17 marked for identification.)</p> <p>13 BY MR. COOPER:</p> <p>14 Q. And did you send that e-mail five minutes</p> <p>15 after receiving -- excuse me -- five minutes after</p> <p>16 sending the e-mail that we just looked at that is</p> <p>17 Exhibit 16?</p> <p>18 MR. WALZ: I'll object to this document</p> <p>19 as well as being privileged.</p> <p>20 A. (Deponent viewing exhibit.) I -- if the --</p> <p>21 if the timeline is -- is that, then -- then, yes.</p> <p>22 Q. And you write, "Just tweaked to identify Hall</p> <p>23 and Kimball in first para."</p> <p>24 Do you see that?</p>



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<p style="text-align: right;">Page 153</p> <p>1 A. (Deponent viewing exhibit.) Correct.</p> <p>2 <b>Q. So you edited Mr. Shafran's statement to --</b></p> <p>3 <b>so that it mentioned Mr. Kimball and Ms. Hall in the</b></p> <p>4 <b>first paragraph; is --</b></p> <p>5 A. Yes.</p> <p>6 <b>Q. -- that right?</b></p> <p>7 A. Yes.</p> <p>8 <b>Q. And why did you do that?</b></p> <p>9 A. Because if we were going to release that to</p> <p>10 the public or to the press, then they would -- you</p> <p>11 know, it would be easily id -- more easily</p> <p>12 identifiable in that statement that these are the</p> <p>13 parties that Mr. Chiocca and his attorney were talking</p> <p>14 about.</p> <p>15 MR. COOPER: Okay. I want to mark as</p> <p>16 Exhibit 18 an e-mail from five minutes later,</p> <p>17 July 10th, 2018, at 3:51 p.m.</p> <p>18 (Exhibit 18 marked for identification.)</p> <p>19 BY MR. COOPER:</p> <p>20 <b>Q. And did you send this e-mail?</b></p> <p>21 A. (Deponent viewing exhibit.) I assume --</p> <p>22 MR. WALZ: I'm going to object -- I'm</p> <p>23 going to object to this document as well as</p> <p>24 privileged. Oh, no. Never mind. I retract that</p>	<p style="text-align: right;">Page 155</p> <p>1 A. No. But could there have been a phone call?</p> <p>2 Yes. But I don't recall having a personal call with</p> <p>3 him between that time.</p> <p>4 <b>Q. What about Mr. Friedmann or Mr. Chiocca?</b></p> <p>5 A. It would've all -- you know, my</p> <p>6 communications, you know, where this was concerned,</p> <p>7 really focused -- there's -- I -- with Adam Shafran,</p> <p>8 so with --</p> <p>9 <b>Q. And you --</b></p> <p>10 A. Yeah.</p> <p>11 <b>Q. And you -- you mentioned that he gave you a</b></p> <p>12 <b>specific instruction to send the 3:51 p.m. e-mail.</b></p> <p>13 <b>If it wasn't oral, do you believe he sent you</b></p> <p>14 <b>an e-mail?</b></p> <p>15 A. It would've -- it would've been specific</p> <p>16 instruction via a phone call.</p> <p>17 <b>Q. And do you think that that phone call took</b></p> <p>18 <b>place in this five-minute interim?</b></p> <p>19 A. It would've had to have taken place then,</p> <p>20 yeah.</p> <p>21 <b>Q. And your best memory is that he said to you,</b></p> <p>22 <b>I want you to alert all of the media that I'm going to</b></p> <p>23 <b>have a statement following tonight's vote?</b></p> <p>24 MR. WALZ: Objection.</p>
<p style="text-align: right;">Page 154</p> <p>1 objection.</p> <p>2 BY MR. COOPER:</p> <p>3 <b>Q. Do you recognize that this is an e-mail that</b></p> <p>4 <b>you sent at the date and time listed?</b></p> <p>5 A. (Deponent viewing exhibit.) Yes. Yup.</p> <p>6 <b>Q. And, again, this is another one of these</b></p> <p>7 <b>e-mails to the collective media entities that we've</b></p> <p>8 <b>discussed previously?</b></p> <p>9 A. Correct.</p> <p>10 <b>Q. And do you recall whether the list was</b></p> <p>11 <b>expanded at this point in time?</b></p> <p>12 A. I don't recall whether it was expanded. I</p> <p>13 think it was the same list. And that e-mail was sent</p> <p>14 under the direction of Mr. Shafran.</p> <p>15 <b>Q. Because he wanted these media outlets to know</b></p> <p>16 <b>that he'd have a written statement following that</b></p> <p>17 <b>evening's vote, right?</b></p> <p>18 MR. WALZ: Objection.</p> <p>19 A. That is correct.</p> <p>20 <b>Q. And do you recall speaking to Mr. Shafran in</b></p> <p>21 <b>the five minutes between 3:46 p.m. and 3:51 p.m. on</b></p> <p>22 <b>July 10th, 2018?</b></p> <p>23 A. Speaking to him, do I recall?</p> <p>24 <b>Q. Yes.</b></p>	<p style="text-align: right;">Page 156</p> <p>1 A. That was the direction from the attorney.</p> <p>2 MR. COOPER: Let's go to July 11th, 2018,</p> <p>3 at 12:01 p.m.</p> <p>4 (Exhibit 19 marked for identification.)</p> <p>5 BY MR. COOPER:</p> <p>6 <b>Q. Do you recognize this as an e-mail that you</b></p> <p>7 <b>also sent to the collective media group on the evening</b></p> <p>8 <b>of July 10th, early morning, I guess, at 12:01 p.m.,</b></p> <p>9 <b>so one minute into July 11th, 2018?</b></p> <p>10 A. (Deponent viewing exhibit.) Yes.</p> <p>11 <b>Q. And do you think that you sent this to the</b></p> <p>12 <b>same collective media group that you've described</b></p> <p>13 <b>earlier?</b></p> <p>14 A. Yes.</p> <p>15 <b>Q. And here it says, "Attention reporters and</b></p> <p>16 <b>editors, In respon" -- and, by the way, does that</b></p> <p>17 <b>cause you to believe that you might have expanded the</b></p> <p>18 <b>group that you were sending this to?</b></p> <p>19 A. No, because these weren't, for the most part,</p> <p>20 personal e-mails of reporters. These were to the</p> <p>21 general assignment desk people that it -- the</p> <p>22 expansion of that list never happened. It was</p> <p>23 basically whoever was monitoring the, you know, news</p> <p>24 e-mail chain or system at any given media outlet would</p>

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<p style="text-align: right;">Page 161</p> <p>1 for some reason, but these are --</p> <p>2 <b>Q. And if -- and if you could just turn the --</b></p> <p>3 <b>well, I'm going to turn the page.</b></p> <p>4 MR. COOPER: If you could scroll up --</p> <p>5 THE DEPONENT: Sure.</p> <p>6 MR. COOPER: -- to the first page of the</p> <p>7 report -- actually, we've got to open the attachment</p> <p>8 first. One second.</p> <p>9 (Pause.)</p> <p>10 MR. COOPER: And could you scroll up just</p> <p>11 a little bit so we have the whole logo, or as much as</p> <p>12 you can get?</p> <p>13 MS. BELOSTOCK: Yeah, let me get it</p> <p>14 there.</p> <p>15 (Complied.)</p> <p>16 BY MR. COOPER:</p> <p>17 <b>Q. Now, do you see, Mr. Sherman, on the first</b></p> <p>18 <b>page of the report, where it says, "Confidential</b></p> <p>19 <b>Personal Record to Adam Shafran, Esquire, representing</b></p> <p>20 <b>Allan Chiocca, not to be released or distributed</b></p> <p>21 <b>without the permission of the Rockland Board of</b></p> <p>22 <b>Selectmen?" Do you see that?</b></p> <p>23 A. (Deponent viewing exhibit.) I do, yeah.</p> <p>24 <b>Q. And I'm going to represent to you that that's</b></p>	<p style="text-align: right;">Page 163</p> <p>1 <b>recollection?</b></p> <p>2 A. I don't -- I don't recollect how long that</p> <p>3 call was, no.</p> <p>4 <b>Q. Okay. And were there -- was there Chiocca</b></p> <p>5 <b>participating?</b></p> <p>6 A. I'm not -- I don't recall whether or not he</p> <p>7 was on that -- that call.</p> <p>8 <b>Q. And who do you recall were participating?</b></p> <p>9 A. Ad -- Adam Shafran definitely and I believe</p> <p>10 that Friedmann was also on that call --</p> <p>11 <b>Q. So your --</b></p> <p>12 A. -- from what I recall.</p> <p>13 <b>Q. Your best memory is it was the three of you?</b></p> <p>14 A. Correct.</p> <p>15 <b>Q. And who placed that call?</b></p> <p>16 A. I don't know who called who. I would believe</p> <p>17 that would've been Shafran coordinating that call.</p> <p>18 <b>Q. And tell us, please, what you remember was</b></p> <p>19 <b>said by whom in that call.</b></p> <p>20 A. What I remember from that call was that they,</p> <p>21 you know, strung -- they had agreed, as the attorneys</p> <p>22 of Allan Chiocca, that Allan did not participate in</p> <p>23 any confidentiality agreement, therefore, they were</p> <p>24 free and clear to disseminate this report.</p>
<p style="text-align: right;">Page 162</p> <p>1 <b>on every page of the report.</b></p> <p>2 A. Understood.</p> <p>3 <b>Q. And, at the time, do you -- in July of 2018,</b></p> <p>4 <b>do you remember seeing that?</b></p> <p>5 A. Yes.</p> <p>6 <b>Q. Did it cause you any concern?</b></p> <p>7 A. It caused me concern, and that's why I did</p> <p>8 have a conversation with the attorneys representing</p> <p>9 Chiocca, and they were enthusiastically directing me</p> <p>10 to -- to release that report, because Chiocca did not</p> <p>11 agree -- did not engage in any confidentiality</p> <p>12 agreement, so this was a decision made by the</p> <p>13 attorneys.</p> <p>14 <b>Q. And when you say "the attorneys," I take it</b></p> <p>15 <b>that means both Mr. Friedmann and Mr. Shafran, plural?</b></p> <p>16 A. Ye -- yes.</p> <p>17 MR. WALZ: Objection.</p> <p>18 BY MR. COOPER:</p> <p>19 <b>Q. Was this a telephone call or a meeting?</b></p> <p>20 A. It was a telephone call, yeah.</p> <p>21 <b>Q. And would that telephone call have been on</b></p> <p>22 <b>July 11th, 2018?</b></p> <p>23 A. It could've been. It must have been. Sure.</p> <p>24 <b>Q. And how long of a call was it, to your</b></p>	<p style="text-align: right;">Page 164</p> <p>1 <b>Q. Did you question them at all?</b></p> <p>2 A. I did, and they said that's our position, and</p> <p>3 that is the strategy that we were going -- they were</p> <p>4 going to take. And I was directed to work on behalf</p> <p>5 of my client in the way that they directed me to.</p> <p>6 <b>Q. And when you hung up from them, what was your</b></p> <p>7 <b>feeling, if any?</b></p> <p>8 A. Well, I'm not -- you know, they -- they were</p> <p>9 the experts in this case, not me. So I was going to</p> <p>10 work on behalf of the -- the lawyers that were</p> <p>11 representing Mr. Chiocca.</p> <p>12 <b>Q. Were you concerned at all?</b></p> <p>13 A. I was not concerned because they had asserted</p> <p>14 their belief that they were free and clear to</p> <p>15 disseminate the information.</p> <p>16 <b>Q. Is there anything else that you can recall</b></p> <p>17 <b>about that telephone conversation?</b></p> <p>18 A. There's nothing else I can recall from that.</p> <p>19 <b>Q. As of that point in time, did you consult</b></p> <p>20 <b>with anybody other than Mr. Shafran and Mr. Friedmann</b></p> <p>21 <b>about whether it was appropriate to release the full</b></p> <p>22 <b>report?</b></p> <p>23 A. I'm not -- I can't recall if I brought in</p> <p>24 anybody else into that -- that conversation.</p>

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<p style="text-align: right;">Page 165</p> <p>1 Q. Did you do that at any point in time?</p> <p>2 A. I'm not sure that I -- that I -- that did I</p> <p>3 or -- or not. I don't recall what -- what internal</p> <p>4 conversations we had or written communications. The</p> <p>5 only thing I remember from that -- that event was the</p> <p>6 attorneys at Rudolph Friedmann directing me to release</p> <p>7 that information to the media.</p> <p>8 Q. And is that true through the present, that</p> <p>9 you haven't discussed or sought advice from anybody</p> <p>10 beyond what you've already testified to?</p> <p>11 A. I believe that's the case, yeah.</p> <p>12 Q. Now, had you ever been in a situation like</p> <p>13 this before?</p> <p>14 A. Not representing a client, no.</p> <p>15 Q. Had you ever seen a logo instruction like the</p> <p>16 one that appears on all 29 pages of -- of the report?</p> <p>17 A. I had not.</p> <p>18 Q. And did you follow the reaction once the</p> <p>19 report was released?</p> <p>20 A. What do you mean? Can you rephrase that?</p> <p>21 I'm not sure --</p> <p>22 Q. Yeah.</p> <p>23 A. -- what you're asking there.</p> <p>24 Q. Just like you've been monitoring various</p>	<p style="text-align: right;">Page 167</p> <p>1 A. No.</p> <p>2 Q. Did you have any concern about information</p> <p>3 about Mrs. Kimball being released?</p> <p>4 A. Under the guidance of the attorneys, given</p> <p>5 their expertise, no.</p> <p>6 Q. What -- what expertise do you think they had?</p> <p>7 MR. WALZ: Objection.</p> <p>8 A. They were working on the case representing</p> <p>9 Chiocca and knew, at least in their estimation, what</p> <p>10 they could share and what they could not, and they</p> <p>11 believed that they could share the report, and they</p> <p>12 directed me to do so.</p> <p>13 Q. But did they tell the -- tell you that they</p> <p>14 were experts in personnel records of municipal</p> <p>15 employees?</p> <p>16 A. They did not.</p> <p>17 Q. And do you know whether they are?</p> <p>18 A. I do not.</p> <p>19 Q. Do you know what impact the release of this</p> <p>20 report had on Mr. Kimball?</p> <p>21 A. I do not.</p> <p>22 Q. Do you know what impact the release of this</p> <p>23 report had on his wife, Mrs. Kimball?</p> <p>24 A. I do not.</p>
<p style="text-align: right;">Page 166</p> <p>1 sources and social media, mainstream media, et cetera,</p> <p>2 in the preceding weeks, did you monitor --</p> <p>3 A. Sure. I would've monitored media from that</p> <p>4 time forward.</p> <p>5 Q. And what was the reaction that you observed?</p> <p>6 A. I don't -- I don't quite remember what the</p> <p>7 reaction was, quite frankly, so I don't know -- I</p> <p>8 don't recall what, you know, the pick up was or what</p> <p>9 the reaction was, no.</p> <p>10 Q. And is that true through the present?</p> <p>11 A. Yes.</p> <p>12 Q. And before hitting the button and sending</p> <p>13 this 29-page report off to the media, did you read it?</p> <p>14 A. I did.</p> <p>15 Q. Did you note that there was information in</p> <p>16 the report about Mrs. Kimball?</p> <p>17 A. Going back, I think there was, yeah.</p> <p>18 Q. And did you ask Mr. Shafran or Mr. Friedmann</p> <p>19 whether -- whether it was appropriate to release</p> <p>20 information about Mrs. Kimball?</p> <p>21 A. I asked whether it was appropriate to release</p> <p>22 this information about all parties, and they said yes.</p> <p>23 Q. But did the topic of Mrs. Kimball come up in</p> <p>24 particular?</p>	<p style="text-align: right;">Page 168</p> <p>1 Q. Do you know what impact the release of this</p> <p>2 report had on Mr. Kimball's business?</p> <p>3 A. I do not.</p> <p>4 Q. Did you care about any of that?</p> <p>5 A. I cared about the impact that everyone's</p> <p>6 collective actions had on my client, Allan Chiocca.</p> <p>7 Q. Did Mr. Friedmann or Mr. Shafran or</p> <p>8 Mr. Chiocca tell you that they cared about any of the</p> <p>9 impact on Mr. Kimball and his wife?</p> <p>10 A. They cared about the impact on Mr. Chiocca,</p> <p>11 and anyone's decisions and actions have to speak for</p> <p>12 themselves.</p> <p>13 Q. Okay. So -- so, in your discussions with</p> <p>14 Mr. Friedmann, Mr. Shafran and Mr. Chiocca about the</p> <p>15 decision to release this 29-page report, did you hear</p> <p>16 any of them express concern about the impact that its</p> <p>17 release would have on Mr. Kimball and his wife?</p> <p>18 A. No. And, again, it's not the release that</p> <p>19 has an impact on Mr. Kimball and his wife, it's the</p> <p>20 allegations in the release. Do you know what I'm --</p> <p>21 MR. COOPER: I pass the witness. Thank</p> <p>22 you, Mr. Sherman.</p> <p>23 THE DEPONENT: Thank you, Mr. Cooper.</p> <p>24 MR. AMOS: Is everybody okay if I -- I</p>

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**1 Galotti about this case -- about this matter?**

2 A. I don't think so. You know, I don't think --  
3 again, I don't -- I don't recognize Nick, or I would  
4 not know what his connection to this case is.

5 I think this was from a -- you know, Real  
6 Rockland Facebook page that seemed to be dominated by  
7 conversations, especially after, as I said, these  
8 public hearings that were more focused on the personal  
9 matters betw -- of Ms. Hall, Mr. Kimball and others.  
10 So, people had a front-row seat, you --

**11 Q. So I think, here, Nick Galotti references you  
12 by name.**

**13 And so, did you post on this thread?**

14 A. I don't -- I don't know. I'd have to go back  
15 and look, but I don't -- I don't recall posting on a  
16 thread. I might -- I may have.

**17 Q. It would be --**

18 A. You know, what -- what, normally, we would  
19 do -- and I'm not -- I don't recall doing that in this  
20 case, would be if we -- if Shafran had a statement to  
21 release to the press, they would do -- they would also  
22 do that on social media. Whether or not I -- I did  
23 post that Shafran's -- one of Shafran's statements on  
24 a social media thread, I can't recall. It's so long

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1 MS. CIESLAK: All right. Let me pull up  
2 one more e-mail. I'll find it here. Bear with me. I  
3 gotta scroll up to find the one that I need.

4 (Pause.)

5 BY MS. CIESLAK:

**6 Q. Okay. On your screen, do you see an e-mail  
7 from Mary Whitfill --**

8 A. (Deponent viewing exhibit.) Yeah.

**9 Q. -- from the Patriot Ledger to you --**

10 A. (Deponent viewing exhibit.) Yes, I do. Yes.

**11 Q. -- dated July 11th, 2018, 12:35?**

12 A. (Deponent viewing exhibit.) Mm-hmm.

**13 Q. And there is a response from you to  
14 Ms. Whitfill, July 11, 2018, at 12:41?**

15 A. (Deponent viewing exhibit.) Correct.

**16 Q. And you wrote the response at 12:41 p.m.?**

17 A. (Deponent viewing exhibit.) Yes.

18 MS. CIESLAK: I'd like to mark this as  
19 the exhibit next in line.

20 THE DEPONENT: Okay.

21 (Exhibit 21 marked for identification.)

22 BY MS. CIESLAK:

**23 Q. All right. Ms. Whitfill says, "Does the  
24 attorney have a response to my question, re: Does**

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1 ago, I wouldn't know. But it seems that that could be  
2 the case.

**3 Q. Let me stop the share here.**

**4 All right. So, at some point in this matter,  
5 Chiocca claims that he was sexually harassed.**

**6 Is that accurate to your understanding?**

7 A. The first very first day I -- I met him, that  
8 was his claim.

**9 Q. Now, you would agree with me that whether  
10 Hall and Kimball had an affair outside of their  
11 marriage doesn't make Chiocca's claim of sexual  
12 harassment any more or less true, right?**

13 MR. WALZ: Objection.

14 A. Well, I -- I -- think it --

**15 Q. Well, the -- the question's a yes or no.**

16 A. Well, repeat the question, Cindy.

**17 Q. You'd agree with me that the fact that Hall  
18 and Kimball had an extramarital affair does not make  
19 Chiocca's claim of sexual harassment any more or less  
20 true, correct?**

21 MR. WALZ: Objection.

22 A. No, I don't agree with that. I would say it  
23 would -- it would make it more true, because there's a  
24 pattern there.

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**1 Chiocca plan to resign his position?" You said, "Off  
2 the record - Do you mean retire? Chiocca is exploring  
3 all options right now."**

**4 So you were aware that Chiocca was exploring  
5 retirement, correct?**

6 A. That is correct.

7 MR. WALZ: Objection.

8 A. Yeah, that's -- yeah, I was aware of that,  
9 yeah.

**10 Q. What did Chiocca tell you about exploring his  
11 retirement option?**

12 A. Well, just with regard to his age, he wasn't  
13 sure how long he would maintain his position in -- in  
14 Rockland. It was a social conversation. He love --  
15 and I know he also said he loved his job.

16 MS. CIESLAK: All right. Thank you. I'm  
17 going to stop sharing the screen and let me just check  
18 my notes real quick.

19 If I can pull it up, I'm going to go back to  
20 an e-mail that's already been discussed here today.

21 Let me share my screen one more time.

22 (Pause.)

23 BY MS. CIESLAK:

**24 Q. Okay. On your screen, do you see the**

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1 A. -- I never re -- after receiving that  
2 response, I never reached out or heard from Adam  
3 Shafran again regarding this issue until the subpoena  
4 was announced.  
5 Q. Okay. Fair enough.  
6 And so you understood, after your  
7 communication with Mr. Shafran in January of 2019,  
8 that he had -- that the Town was, you know, doing what  
9 the Town was doing, but the investigator had no  
10 intention of really reopening the investigation or  
11 changing anything about it?  
12 MR. WALZ: Objection.  
13 A. Just based on -- just based on the e-mail  
14 from Adam, I wasn't giving it any more thought than  
15 that.  
16 Q. Okay. Now, we talked a bit -- you talked a  
17 bit earlier about the media outlets who sent various  
18 communications and -- and you had sent on to us a  
19 cover that communicated some of those outlets.  
20 Just -- just to be clear, the cover that you  
21 sent us indicated that you sent -- you sent various  
22 media -- media communications to the Patriot Ledger,  
23 correct?  
24 A. Mm-hmm.

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1 Q. To WATD-FM, correct?  
2 A. Correct.  
3 Q. To Turtleboys, correct?  
4 A. Correct.  
5 Q. To the assignment desk of Channel 7, WHDH,  
6 correct?  
7 A. Correct.  
8 Q. To the assignment desk at WBZ, correct?  
9 A. Correct.  
10 Q. You also sent certain -- certain media  
11 statements to AP, to the Associated Press, correct?  
12 A. Correct.  
13 Q. And you also sent it to WCVB, correct?  
14 A. Correct.  
15 Q. And you also sent it to New England Cable  
16 News, correct?  
17 A. Yes. Any of the TV stations covering Boston  
18 news, yes. Correct.  
19 Q. Okay. And to -- and to Fox News, correct?  
20 A. Correct.  
21 Q. And to the assignment desk at the Herald?  
22 A. Correct.  
23 Q. And to the assignment desk at the Globe?  
24 A. That is correct.

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1 Q. Okay. And in addition to that, you sought  
2 the attention of Boston Magazine?  
3 A. Sought the attention of Boston Magazine, how  
4 so?  
5 Q. Did you send things to Boston Magazine?  
6 A. I don't know if I ever did. They were  
7 working on their own story. I do a lot of writing for  
8 Boston Magazine, but I'm not sure if I ever shared  
9 anything with -- with Boston Magazine, because they  
10 hadn't assigned a writer to the story yet. So if --  
11 if -- I'm not sure if I did. I don't think I did,  
12 because I have -- I do other things for Boston  
13 Magazine and I --  
14 Q. Okay.  
15 A. -- try to separate church and state there.  
16 Q. Understood.  
17 (Mr. Crotty now present at deposition  
18 proceeding.)  
19 MR. AMOS: I just wanted to let everybody  
20 know. I am headed out. Jason's in on the call, but I  
21 need to get to a medical appointment, so I wanted to  
22 let everybody know I wasn't ducking out for reason.  
23 (Mr. Amos no longer present at deposition  
24 proceeding.)

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1 BY MS. ZUCKER:  
2 Q. So, in addition to -- to those outlets, did  
3 you make any inquiries with the New York Times?  
4 A. I don't think so. I wouldn't be on the  
5 New York Times' radar, so I don't think I did. I -- I  
6 may have. I can't -- I can't -- I don't think -- I  
7 don't think I did, no.  
8 Q. Okay. What about the Post? Do you write  
9 occasionally for the Post?  
10 A. Yeah. No, I wouldn't -- I mean, it's not --  
11 it's not in the Post either. They wouldn't care about  
12 a small-town sex scandal in Massachusetts, so I  
13 wouldn't --  
14 Q. Now, focusing a moment on the Associated  
15 Press.  
16 The Associated Press -- and this is really  
17 just for the record, the Associated Press is a wire  
18 service, correct?  
19 A. It is a wire service with departments in  
20 satellite offices all around the country. So  
21 Associated Press Boston office would handle  
22 Boston-area news, news stories that sometimes that  
23 they would take and run with, sometimes they wouldn't,  
24 depending on what the reach was for the story itself.



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1 You always do your due diligence and assign -- and  
2 attach AP in case the AP is interested in reporting on  
3 the case.  
4 **Q. Just in case you get -- if you -- if you get**  
5 **a hit on AP, it goes on the wire service, right?**  
6 A. Yeah, sure. Well, sometimes. Oftentimes, it  
7 won't, de -- depending on, you know, the circumstances  
8 involving the story, yes.  
9 **Q. Right. But if -- if the Associated Press is**  
10 **interested in a story, it is on a wire service that is**  
11 **available nationally, correct?**  
12 A. That is correct, yeah.  
13 **Q. Okay. And so you reached out to the AP to**  
14 **try to get them interested in this story as well,**  
15 **right?**  
16 MR. WALZ: Objection.  
17 A. Yeah.  
18 **Q. And did AP com -- did AP ultimately do that?**  
19 A. I don't -- not to my knowledge.  
20 **Q. Okay. And with whom in AP did you work?**  
21 A. I didn't work with anybody. It's, you know,  
22 Bob -- Bob Marc -- I believe Phil Marcelo, I think,  
23 was his name, and he was the reporter staffing the  
24 one-man Boston office at the time. So, any time you

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1 were working on behalf a client, Ellen, and you're  
2 sending out information via or, you know, with -- on  
3 behalf your clients, you have your -- what we call a  
4 media list, and the AP's always on it. Sometimes the  
5 AP will jump on a story. Oftentimes, those inquiries  
6 are ignored.  
7 **Q. Now, with respect to -- with respect to AP**  
8 **and -- and I just got a request from the court**  
9 **reporter that we take a break, so I'm going to ask one**  
10 **more question.**  
11 A. I'm -- how long is this break? I've got two  
12 sick people at home so I can't --  
13 **Q. Oh, no, I -- I appreciate that, Casey. Let**  
14 **me -- let me try to -- I'm going to try to be quick**  
15 **with you, but we have to respect the break of the**  
16 **court reporter.**  
17 **So, with respect to the Associated Press and**  
18 **all the other media outlets that I just --**  
19 A. Okay.  
20 **Q. -- just described, and there were others,**  
21 **there was WBUR, there was WBZ radio.**  
22 **You also reached out to all of them and -- to**  
23 **urge them to cover the story, correct?**  
24 A. Yeah, I would -- I would do that customarily

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1 for any client, but for the -- yeah. Yes.  
2 **Q. And -- and you did here, didn't you?**  
3 A. From -- from whom?  
4 **Q. You reached out --**  
5 A. I mean, sometimes you hear from reporters,  
6 sometimes you do not, so I can't recall what the  
7 response was on this particular case.  
8 **Q. No, but -- fair enough. Fair enough.**  
9 **But what you did was you tr -- you tried to**  
10 **cover the territory --**  
11 A. Sure.  
12 **Q. -- and send whatever the public statements**  
13 **were out to all of the regional media and -- and even**  
14 **the wire service in the hope that it might get -- get**  
15 **attention nationally, correct?**  
16 A. That is correct, yup. I mean, sure. Yeah.  
17 I mean, you want attention for your client's stories,  
18 so it's whether it's hyperlocal, whether it's  
19 regional, whether it's national, it's, you know, kind  
20 of all the same.  
21 **Q. Understood. Understood.**  
22 MS. ZUCKER: Why don't we take just a  
23 five-minute break. I appreciate the pressure's on  
24 you, Mr. Sherman, but I need to give the court

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1 reporter her break.  
2 Okay. We'll take five.  
3 (Off the record at 3:01 p.m.)  
4 (Recess taken.)  
5 (Back on the record at 3:08 p.m.)  
6 BY MS. ZUCKER:  
7 **Q. When you were asked about your advocating the**  
8 **heightened attention to the relationship between**  
9 **Mr. Kimball and Ms. Hall, if I understood you**  
10 **correctly, but please -- please correct me if I'm**  
11 **wrong, Mr. Sherman, you thought that attention on that**  
12 **would be helpful because it would show a pattern.**  
13 **Was that your testimony?**  
14 A. Well, I thought it would be helpful. It  
15 shows a pattern and -- with regard to Ms. Hall's  
16 relationships outside of her marriage. And you're  
17 also talking about two elected officials that are --  
18 were involved with a relationship, so, yes, it is  
19 something that I deemed and others would deem  
20 newsworthy at the time, for sure.  
21 **Q. Well, I'm not asking whether it's newsworthy**  
22 **at this point.**  
23 **I'm asking how you saw it as helpful to your**  
24 **client to create an image of a, quote, pattern, with**

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<p style="text-align: right;">Page 225</p> <p>1 that Mr. Chiocca flirted with young women and -- and</p> <p>2 that Mr. Chiocca had a very inflated sense of self and</p> <p>3 thought that young women always thought he was</p> <p>4 irresistible?</p> <p>5 MR. WALZ: Objection.</p> <p>6 A. (Deponent laughs.) I was -- I was not -- I</p> <p>7 don't mean to laugh, but I was never aware of -- of</p> <p>8 those comments or concerns. As I said, the person</p> <p>9 that, you know, I had meetings with, Allan Chiocca --</p> <p>10 Q. You didn't see that?</p> <p>11 A. -- at least -- go ahead. I -- I didn't mean</p> <p>12 to go off a tangent.</p> <p>13 Q. That's alright. I'm trying to -- I'm just</p> <p>14 trying to keep this going.</p> <p>15 A. Yeah. Yeah. Speed it up, please.</p> <p>16 Q. Were you ever made aware -- ever made aware</p> <p>17 that Mr. Clifford -- that he didn't say anything about</p> <p>18 being sexually harassed, but appeared to be bragging</p> <p>19 to Mr. Clifford about his sexual conquest of</p> <p>20 Ms. Hall --</p> <p>21 MR. WALZ: Objection.</p> <p>22 BY MS. ZUCKER:</p> <p>23 Q. -- and that that was Mr. Clifford's testimony</p> <p>24 about how he reacted when he was confronted with what</p>	<p style="text-align: right;">Page 227</p> <p>1 ex -- you know, describing now, not to me anyway.</p> <p>2 Q. All right. Now, I want to ask you a little</p> <p>3 bit about why -- let me just back up.</p> <p>4 Regan Communications is a reputable firm,</p> <p>5 right?</p> <p>6 A. Yes.</p> <p>7 Q. And it's -- and it's a firm that takes great</p> <p>8 pride in its correct -- in all of its collaborations</p> <p>9 and connections in Massachusetts, right?</p> <p>10 A. Correct.</p> <p>11 Q. And it likes to think of itself as very much</p> <p>12 an above-board firm that deals with -- you know, with</p> <p>13 the -- the most mighty in the political stratosphere</p> <p>14 in Massachusetts, correct?</p> <p>15 A. Yes.</p> <p>16 Q. And, in fact, over the many years, Regan</p> <p>17 Communications has handled very sensitive matters for</p> <p>18 politicians and the like, right?</p> <p>19 A. Correct.</p> <p>20 Q. Is it Regan Communications' policy or</p> <p>21 practice to deal with sites that are deemed so</p> <p>22 unsavory that they are sanctioned by Twitter, Facebook</p> <p>23 and removed regularly for disinformation and</p> <p>24 vulgarity?</p>
<p style="text-align: right;">Page 226</p> <p>1 happened on May 1?</p> <p>2 A. I was not aware of that, so I don't know what</p> <p>3 their -- the extent of their conversation was, no.</p> <p>4 Q. Okay. And --</p> <p>5 A. At least I don't recall that, Ellen, no.</p> <p>6 Q. You'll agree that if, upon being confronted</p> <p>7 with what happened and -- if what he did do, if what</p> <p>8 Mr. Clifford says, is say, hey, it was only a blow</p> <p>9 job, and brag about the fact that Ms. Hall wanted him,</p> <p>10 that if that was the tenor of what he did, that's</p> <p>11 kinda inconsistent with being this poor victim, right?</p> <p>12 MR. WALZ: Objection.</p> <p>13 A. Well, I -- I think that -- I -- no. I would</p> <p>14 say no to that. Because I know, having, you know,</p> <p>15 written about cases like this in the past, oftentimes</p> <p>16 victims, you know, downplay -- downplay it originally,</p> <p>17 because they feel tremendous guilt.</p> <p>18 The Allan Chiocca that I met at Rudolph</p> <p>19 Friedmann was a shaken human being, so that was -- and</p> <p>20 that was my contact with Allan. He was somebody who,</p> <p>21 again, used those words, pressured and felt tremendous</p> <p>22 guilt of putting his family through something like</p> <p>23 this. So I don't think he showed any indication of --</p> <p>24 that, you know, bravado locker-room person that you're</p>	<p style="text-align: right;">Page 228</p> <p>1 A. I would -- you'd have to re -- explain to me</p> <p>2 what you're -- what you're referring to.</p> <p>3 Q. Do -- as a matter of policy --</p> <p>4 A. No.</p> <p>5 Q. -- does Regan Communications --</p> <p>6 A. No. There was no policy toward that.</p> <p>7 Sometimes you have -- you know, you engage where the</p> <p>8 most -- you -- you engage where people are engaging.</p> <p>9 You know, yes, we engage with the New York Times, but</p> <p>10 also we have to engage with the Barstools of the</p> <p>11 world, because that's where people are now getting</p> <p>12 their information, much more so than the New York</p> <p>13 Times. It's not something that we like to do, but</p> <p>14 it's a trend in media and we have to be responsive to</p> <p>15 it.</p> <p>16 Q. Okay. So when you were communicating with</p> <p>17 Turtleboys, are you aware that they have been</p> <p>18 sanctioned and removed from Facebook and Twitter for</p> <p>19 their vulgarity and disinformation?</p> <p>20 A. Well, I am aware that they've also broken</p> <p>21 many stories that were ultimately covered by</p> <p>22 mainstream media. So I don't -- I don't equate, you</p> <p>23 know, somebody being removed from Facebook and Twitter</p> <p>24 with what -- you know, what they are,</p>

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<p style="text-align: right;">Page 229</p> <p>1 journalistically. Turtleboy covered hyperlocal 2 stories. He's got his own cadence, if you will, and 3 it's a low common denominator, for sure, but he also 4 has -- or he or she, I don't even know who the hell it 5 is -- they have their ear to the ground and they break 6 more news than the Boston Globe right now. 7 <b>Q. Hey, watch yourself.</b> 8 A. Oh, I'm just being honest. It's what it is. 9 <b>Q. Now, in terms of that, did you ever find out</b> 10 <b>or even attempt to ascertain whether Allan Chiocca or</b> 11 <b>anyone within his stratosphere had any communications</b> 12 <b>with anyone at Turtleboy?</b> 13 A. I don't think that Allan had any 14 communications with Turtleboy, no. 15 <b>Q. Who do you think did?</b> 16 A. Well, as I said, you know -- 17 MR. WALZ: Objection. 18 A. -- disseminating -- disseminating media, you 19 know, I've -- I've reached -- I've had communications 20 with Turtleboy, but I don't know who else would. 21 <b>Q. Okay.</b> 22 A. But I don't control that. Somebody could 23 reach out to Turtleboy on their own behalf and give 24 them information. And anything I gave to Turtleboy</p>	<p style="text-align: right;">Page 231</p> <p>1 client, here's what we can do, here's what we want to 2 do, but the -- you know, the net effect of that is 3 what we ended up doing, which was really working to -- 4 with Adam Shafran to get statements and information 5 that he deemed appropriate out to the media. 6 <b>Q. Okay. And -- and I'm going to go through</b> 7 <b>these and ask you just, what did you do or what didn't</b> 8 <b>do you to make it brief?</b> 9 A. Oh, yeah. 10 <b>Q. I just want to --</b> 11 A. Yeah, no problem. 12 <b>Q. We've talked about holding statement,</b> 13 <b>statement distribution, and we've talked about that,</b> 14 <b>and then the social media mobilization.</b> 15 <b>Is it your testimony today, Mr. Sherman, that</b> 16 <b>you did no social media mobilization at all?</b> 17 A. No. It's not -- no. There -- there was not 18 the opportunity to do that. We could never really 19 connect -- there was two people that I think we've 20 already made a reference to -- 21 <b>Q. Mm-hmm.</b> 22 A. -- that had negative efforts about -- I think 23 it was either Ms. Hall or -- or Kimball, and I tried 24 to engage with them to see what information they had</p>
<p style="text-align: right;">Page 230</p> <p>1 was information that I gave to Patriot Ledger and 2 Boston Globe. I didn't make a distinction between any 3 info. 4 <b>Q. Okay. Now, I want to go back to the scope of</b> 5 <b>work --</b> 6 A. Sure. 7 <b>Q. -- that -- that you were going to engage in.</b> 8 <b>The first category of the scope of work was</b> 9 <b>case research.</b> 10 A. Okay. 11 <b>Q. And if you could just briefly, what, if</b> 12 <b>anything, did you do in the -- in the category of case</b> 13 <b>research?</b> 14 A. The -- scopes of work are -- are what we plan 15 to do. Ninety percent of the time, the case shifts. 16 So when -- when I would -- first met with the 17 attorneys and -- and Allan Chiocca, I had asked if 18 there were other witnesses that we could reach out to. 19 And it was on their -- it was tasked to them to 20 provide those people to me. And the case elevated so 21 quickly that, you know, I don't think I ever 22 personally had any contact with any witnesses in the 23 case. 24 So this is -- much like when you start with a</p>	<p style="text-align: right;">Page 232</p> <p>1 and it never went anywhere. So it was not something 2 that really was effective in our communication 3 strategy for Allan Chiocca. 4 <b>Q. Okay. I want to -- and I'm jumping around</b> 5 <b>just because I want to get you out of here as quickly</b> 6 <b>as I can.</b> 7 <b>There was a prior discussion of the video</b> 8 <b>that you observed --</b> 9 A. Mm-hmm. 10 <b>Q. -- and then the statement that was prepared</b> 11 <b>in response.</b> 12 <b>Do you remember that?</b> 13 A. Yes. 14 <b>Q. Okay. When you looked at the video, did you</b> 15 <b>notice who put the code in to go inside?</b> 16 A. I don't recall. You know, unless -- you 17 know, I haven't screened the video since that time, so 18 I can't be -- I can't -- I can't speak to that. I 19 don't recall the actual moments that took place. 20 <b>Q. Okay. Fair to say, you didn't draw attention</b> 21 <b>to the fact that Mr. Chiocca --</b> 22 A. I might have. I just -- it doesn't -- it's 23 not ringing a bell, Ellen. 24 <b>Q. Did Mr. Chiocca ever tell you that he knew</b></p>

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<p style="text-align: right;">Page 245</p> <p>1 MADAM COURT REPORTER: Excuse me. This 2 is the court reporter. I just want Ellen to know, the 3 last thing she just said, I could not hear it. I just 4 want to make you aware. I don't know if -- 5 MS. ZUCKER: I -- you can keep going. 6 MADAM COURT REPORTER: Okay. 7 BY MR. WALZ: 8 <b>Q. Okay. Mr. Sherman --</b> 9 A. Yes. 10 <b>Q. -- a couple other questions.</b> 11 <b>Ms. -- or Attorney Zucker had asked you a</b> 12 <b>little bit about your text messages and e-mails and</b> 13 <b>what you did to provide in those documents to -- to</b> 14 <b>produce those documents in this matter.</b> 15 <b>Do you recall that testimony?</b> 16 A. I do. 17 <b>Q. Have you deleted -- intentionally deleted any</b> 18 <b>e-mails or other messages about this case?</b> 19 A. No. 20 <b>Q. Okay. One last piece here is, earlier today,</b> 21 <b>Attorney Howard [sic] had asked you a number of</b> 22 <b>questions about releasing the report on or around</b> 23 <b>July 10th of 2018.</b> 24 <b>Do you recall those -- that testimony?</b></p>	<p style="text-align: right;">Page 247</p> <p>1 that hadn't been made public prior to that? I don't 2 know. I can't -- I can't answer that. 3 What I can say is that, given these public 4 meetings and hearings where allegations were thrown 5 back and forth by some of the parties involved and 6 others weighing in on it, it was a story that was 7 already galvanizing a community before we did 8 anything, or before we really sent out any statements 9 on -- on Adam Shafran's behalf. 10 The horse was already out of the barn and 11 people were talking about it. Everybody had a -- 12 seemed, according to social media, if you recall those 13 back-and-forths with people, you know, they knew -- 14 they know these folks, and they had their opinions and 15 they were willing to share them. 16 <b>Q. All right. So it's your -- it is your</b> 17 <b>understanding that, at the time the report was</b> 18 <b>released, the affair was already out --</b> 19 MR. COOPER: Objection. 20 BY MR. WALZ: 21 <b>Q. -- amongst the people of Rockland?</b> 22 MS. ZUCKER: Objection. 23 A. According to -- according to what I read on 24 social media, yeah --</p>
<p style="text-align: right;">Page 246</p> <p>1 A. I do. 2 <b>Q. At the time that you -- that this e-mail was</b> 3 <b>sent on July 10th, is it your recollection that the</b> 4 <b>allegations of sexual assault or sexual harassment by</b> 5 <b>Ms. Hall were already in the mainstream media?</b> 6 A. Yes. 7 MS. ZUCKER: Objection. 8 BY MR. WALZ: 9 <b>Q. Is it also your recollection that, at least</b> 10 <b>in the social media that covered and was read in the</b> 11 <b>Town of Rockland, the affair between Ms. Hall and</b> 12 <b>Mr. Kimball, was it already widely spread?</b> 13 A. Yes. 14 MR. COOPER: Objection. 15 BY MR. WALZ: 16 <b>Q. So, to the extent that there's anything</b> 17 <b>private in the report, other than the affair or the</b> 18 <b>sexual harassment allegations, do you have any reason</b> 19 <b>to believe that any of that information had not</b> 20 <b>already been made public?</b> 21 MR. COOPER: Objection. 22 A. I'm not sure. I -- I'm not sure I can answer 23 that, Eric. You know, can you repeat the question? I 24 mean, you know, were there any details in that report</p>	<p style="text-align: right;">Page 248</p> <p>1 <b>Q. Okay.</b> 2 A. -- and what I saw at the public -- public 3 hearing video that I watched, yes. 4 MR. WALZ: Okay. I have no further 5 questions. 6 MR. COOPER: Mr. Sherman, subject to an 7 order from the Court -- 8 MS. ZUCKER: Howard? Howard? 9 MR. COOPER: Go -- go ahead. 10 MS. ZUCKER: Let me follow up for a 11 second. 12 13 RECROSS EXAMINATION 14 BY MS. ZUCKER: 15 <b>Q. You were just asked about what you knew was</b> 16 <b>out.</b> 17 <b>It's fair to say, Mr. Sherman, that you</b> 18 <b>didn't canvas every resident of Rockland --</b> 19 A. No, you're -- 20 <b>Q. -- did you?</b> 21 A. -- absolutely right, Ellen. 22 <b>Q. And you didn't -- and so when you say</b> 23 <b>"everyone knew," that's a -- that's a -- that's a</b> 24 <b>phrase that we use -- and all of us, I'm not faulting</b></p>

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<p style="text-align: right;">Page 249</p> <p>1 you -- that we all use rather loosely.</p> <p>2 You have no idea what the preponderance the</p> <p>3 good citizens of Rockland had any awareness of, right?</p> <p>4 A. That is correct, yes.</p> <p>5 Q. So a minority -- it's going to be -- I mean,</p> <p>6 do you know how many people were following those</p> <p>7 threads on social media?</p> <p>8 A. Quite a bit.</p> <p>9 Q. It -- but it wasn't the majority of the Town,</p> <p>10 was it?</p> <p>11 A. Well -- but I would say, you know, you split</p> <p>12 that with the people that were focused on town meeting</p> <p>13 and watching the conversations by elected officials</p> <p>14 focusing on their personal lives.</p> <p>15 Q. But you -- you -- you know, don't you, from</p> <p>16 all your years of engaging in -- in political matters,</p> <p>17 that it is often a great minority of people who can</p> <p>18 create, both positively and negatively, some noise</p> <p>19 within any municipality or any political subdivision,</p> <p>20 and many of the people won't know anything about it</p> <p>21 until it shows up on the nightly news, right?</p> <p>22 MR. WALZ: Objection.</p> <p>23 A. I would say the majority of young people in</p> <p>24 the United States don't know that --</p>	<p style="text-align: right;">Page 251</p> <p>1 that up, Mr. Sherman.</p> <p>2</p> <p>3 REDIRECT EXAMINATION</p> <p>4 BY MR. COOPER:</p> <p>5 Q. The Patriot Ledger publishes way beyond the</p> <p>6 Town of Rockland, doesn't it?</p> <p>7 A. Yes.</p> <p>8 Q. And the television stations who you sent the</p> <p>9 report to in Boston, they publish throughout Eastern</p> <p>10 Massachusetts, correct?</p> <p>11 A. Correct.</p> <p>12 Q. And that's true about the radio stations and</p> <p>13 other media outlets that you sent it to, they all go</p> <p>14 way beyond the Town of Rockland, right?</p> <p>15 A. That is correct.</p> <p>16 Q. And is it fair to say that the -- you do</p> <p>17 recognize that the media efforts you made took</p> <p>18 whatever was a local story, known by whatever</p> <p>19 percentage of people in the Town of Rockland, and</p> <p>20 broadcasted it by a multi -- to multiple -- to a much</p> <p>21 broader community?</p> <p>22 MR. WALZ: Objection.</p> <p>23 A. I wouldn't say that, Howard. What I can say</p> <p>24 is, now, Ms. Hall was doing her very best to get her</p>
<p style="text-align: right;">Page 250</p> <p>1 Q. I'm not asking about --</p> <p>2 A. -- (inaudible).</p> <p>3 Q. -- young people.</p> <p>4 A. I'm just telling you. It -- it's, you know</p> <p>5 --</p> <p>6 Q. I'm not --</p> <p>7 A. -- basically --</p> <p>8 Q. Rockland's a little, small town.</p> <p>9 A. It's a -- it's a cultural question you just</p> <p>10 asked me, Ellen. So --</p> <p>11 Q. It's a data --</p> <p>12 A. -- small town, obviously -- go ahead. Sorry.</p> <p>13 I didn't want to interrupt you.</p> <p>14 Q. I'm sorry. It's a data question.</p> <p>15 You know --</p> <p>16 A. Okay.</p> <p>17 Q. You know, don't you, that the social media</p> <p>18 sites you canvassed, and even the -- the meeting</p> <p>19 cannot, does not, allow you to testify as to the</p> <p>20 awareness of the -- of most of the members of the</p> <p>21 Rockland community, let alone everyone, right?</p> <p>22 A. No, I cannot say that. You're right.</p> <p>23 MS. ZUCKER: Okay. Thank you.</p> <p>24 MR. COOPER: Let me just quickly follow</p>	<p style="text-align: right;">Page 252</p> <p>1 side of the story out there to the public. So I think</p> <p>2 a combination of -- of all of that. Any time you</p> <p>3 throw in the ingredients of what happened and occurred</p> <p>4 at the Town of Rockland, it's a story that is already</p> <p>5 sensational on its face.</p> <p>6 So you have a lot of interested parties</p> <p>7 already engaged in that story in one shape or -- one</p> <p>8 way, shape or form. All I was doing was providing</p> <p>9 Mr. Shafran's statements, and under his guidance and</p> <p>10 direction, information to the media, as deemed by the</p> <p>11 attorneys.</p> <p>12 Q. Well, you know that Mr. Kimball wasn't</p> <p>13 engaged in the media campaign, correct?</p> <p>14 MR. WALZ: Objection.</p> <p>15 A. Do I know? I don't know that. No, I don't.</p> <p>16 Q. You never saw one, correct?</p> <p>17 A. No. No. I never -- I never saw one. But --</p> <p>18 Q. And to -- and to the --</p> <p>19 A. No. Let me -- let me respond to that,</p> <p>20 Howard, because you're absolutely right here, and</p> <p>21 there is -- there is a distinction. When the</p> <p>22 conversation spilled over to the public forum at town</p> <p>23 meeting, then it was for public consumption.</p> <p>24 Q. That's not my question.</p>



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1 COMMONWEALTH OF MASSACHUSETTS

2 MIDDLESEX, SS.

3  
4 I, Laurie J. Berg, Certified Court Reporter,  
5 Registered Professional Reporter, Certified Realtime  
6 Reporter, Certified LiveNote Reporter, Certified  
7 eDepoze Reporter and Notary Public, in and for the  
8 Commonwealth of Massachusetts, do hereby certify that  
9 pursuant to appropriate notice of taking deposition,  
10 there remotely appeared before me the following named  
11 person, to wit: CASEY SHERMAN, who was by me duly  
12 sworn; that he was thereupon examined upon his oath  
13 and his examination reduced to writing by me; and that  
14 the deposition is a true record of the testimony given  
15 by the witness.

16 IN WITNESS WHEREOF, I have hereunto set my  
17 hand and seal this 20th day of April, 2022.

18  
19 My commission expires:  
20 September 14, 2023

21   
22  
23

24 Notary Public